

THE MADRAS LEGISLATIVE COUNCIL



Tuesday, the 13th December 1938

The House met in the Council Chamber, Fort St. George, at eleven of the clock, with the President (THE HON. DR. U. RAMA RAO) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Election of a panel for the appointment of Public Prosecutor and objection, if any, to the procedure under the recent orders of the Government.

* 72. Q.—SRI RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) the number of instances of election of a panel of four members for appointment as Public Prosecutor since the coming into force of Memorandum No. 1338-F-1, Home, dated 15th February 1938, the number of instances in which the Government made their selection from the panel and the number in which the Government did not make any selection;

(b) whether any objections were received in any of the above instances from any member or members of the bar to the choice by the Government from the panel so elected, the grounds on which the objections, if any, were based, the action if any taken by the Government on the objections and the reasons therefor;

(c) whether it is a fact that there is a wide protest raised against the practice of election of panel according to the memorandum quoted above; and

(d) whether the Government have consulted the District Magistrates or the District Judges about the working of the memorandum in view of the above protest; if so, the result of such consultation?

THE HON. SRI S. RAMANATHAN (Minister for Public Information) on behalf of the Hon. Sri K. Raman Menon:—

“(a) The total number of panels selected was twelve; out of this number, appointments were not made from the panel in four instances. In the other cases appointments were made from the panel.

“(b) The answer is in the negative.

“(c) Some protests were received.

“(d) The answer is in the negative. The panel system has since been cancelled.”

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SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—" In reply to clause (a) the Government have stated that appointments were not made from the panel in four instances. May I know the reasons why the appointments were not made from the panel in these four instances? "

THE HON. SRI S. RAMANATHAN:—" The panels are in the nature of recommendations to the Government and appointments in these four instances were made in exercise of the discretion vested in the Government."

SRI B. NARAYANASWAMI NAYUDU:—" Clause (c) of the question asks for information as to whether wide protests were received and the answer says that some protests were received. May I know whether the protests were wide? "

THE HON. SRI S. RAMANATHAN:—" The protests merely related to procedure."

SRI B. NARAYANASWAMI NAYUDU:—" The question is with regard to the extent of the protests, whether they were narrow or wide? "

THE HON. SRI S. RAMANATHAN:—" It is a matter of opinion, Sir."

MR. S. J. GONSALVES:—" May I know the reasons why the panel system has been discontinued? "

THE HON. SRI S. RAMANATHAN:—" Because it has been found to be a failure."

Election of a panel for the appointment of Public Prosecutor in Chittoor.

* 73. Q.—SRI RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(a) whether the Government have any information about the election of a panel of four members of the legal profession under Memorandum No. 1338-F-1, Home, dated 15th February 1938, at a meeting held on 31st July 1938 at Chittoor;

(b) whether such a meeting was convened at the instance of the District Judge as required by the memorandum quoted above;

(c) if not, what action the Government propose to take in the matter;

(d) whether the Government are aware of other instances in which the election of a panel was made at meetings not convened by the District Judge; if so, the action taken by the Government in those instances; and

(e) the number of Public Prosecutors appointed after the coming into force of the memorandum, the community and political party to which the person so appointed belonged in each case?

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THE HON. SRI S. RAMANATHAN (Minister for Public Information) on behalf of the Hon. Sri K. Raman Menon:—

“(a) The Government received a representation from an Advocate of the Chittoor Bar complaining of a resolution stated to have been passed in connexion with the election held on 31st July 1938. The Government have ascertained that no such resolution was passed by the Bar Association.

“(b) The answer is in the negative.

“(c) No action was considered necessary.

“(d) The Government are not aware of any such instances.

“(e) Seven Public Prosecutors and five Additional Public Prosecutors have been appointed. Of the Public Prosecutors three are Non-Brahmans, three are Brahmins and one is an Indian Christian. Of the Additional Public Prosecutors, four are Brahmins and one is a Muslim. Two Public Prosecutors are reported to belong to the Congress party. The Government have no information regarding the political leanings of the other persons appointed.”

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—“May I know whether the meeting at Chittoor was convened at the instance of the District Judge?”

THE HON. SRI S. RAMANATHAN:—“I have already answered that it was not.”

SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—“May I know why the Government have taken into consideration the proposal that was suggested at that meeting?”

THE HON. SRI S. RAMANATHAN:—“It was only a solitary case and the Government did not consider any action necessary.”

SRI B. NARAYANASWAMI NAYUDU:—“It was a wrong panel that was submitted to the Government and Government should not have selected from it. In view of it, may I know why the Government did not take any action in the matter?”

THE HON. SRI S. RAMANATHAN:—“The Government had always the discretion to appoint any one they liked.”

SRI B. NARAYANASWAMI NAYUDU:—“May I know why the Government have not asked the District Judge to call for a special meeting according to the memorandum?”

THE HON. SRI S. RAMANATHAN:—“It was a solitary case and the Government did not think that any action was called for.”

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Expenditure on Government colleges and the number of professors appointed for English and for Mathematics.

* 74 Q.—SRI RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) the total expenditure on collegiate education in Government colleges;

(b) the total expenditure on salaries in gazetted ranks in Government colleges;

(c) whether the number of professors for teaching English is greater than the number for teaching Mathematics in I grade Government colleges;

(d) the number of principals in I grade colleges who handle English and the number who handle subjects other than English;

(e) whether it is a fact that formerly most of the principals were professors of English when, more professors of English had to be appointed to give leisure for the principal to attend to administrative work; and

(f) whether it is a fact that most of the principals in I grade Government colleges now handle subjects other than English?

THE HON. DR. P. SUBBARAYAN:—

	1937-38.
	RS.
" (a) Government arts colleges	11,39,705
Government professional colleges	6,19,781
Total ..	17,59,486
" (b) Government arts colleges	4,38,927
Government professional colleges	2,77,573
Total ..	7,16,500

" (c) Yes. The number of Professors for teaching English is greater than the number for teaching Mathematics.

" (d) In first-grade colleges two Principals handle English and five Principals do subjects other than English.

" (e) There was no rule that the Principals of colleges should be Professors of English. The subjects taught by the Principals depended on the subject in which they were qualified. It is not correct to say that more Professors of English had to be appointed to give relief to the Principal as the number of posts in each subject was fixed and was determined with reference to the number of hours of instruction to be provided for in each subject.

" (f) Yes."

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Alleged grievances of the employees of the ex-Vizagapatam Agency District Board.

* 75 Q.—SRI P. VIRABHADRASWAMI: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have received any memorial from the President of the District Andhra Association, Koraput, on behalf of the employees of the ex-Vizagapatam Agency District Board and also a letter from the Members of the Legislative Assembly and Council of Vizagapatam district on the subject; and

(b) if so, what action have the Government taken on it?

THE HON. SRI B. GOPALA REDDI:—“(a) The answer is in the affirmative.

“(b) The Government have communicated a list of the employees of the Agency District Board to the presidents of the district boards in the Telugu areas of this Province with a suggestion that due consideration may be given to the appointment of these persons in vacancies that may arise in future, in preference to fresh entrants.”

Difficulties, if any, in the collection of land revenue, consequent on the Madras Agriculturists Relief Act.

* 76 Q.—DR. P. J. THOMAS: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether there have been greater difficulties than before in the collection of land revenue since the passing of the Madras Agriculturists Relief Act, 1938; and

(b) whether the percentage of arrears of land revenue in the last fasli is larger than that for the two previous fasli years?

THE HON. SRI T. PRAKASAM:—“(a) The answer is in the negative.

“(b) Excluding the amounts the collection of which has been suspended or postponed, the percentage of arrears to the demand for fasli 1347 shows a slight increase (.16 per cent) over the corresponding figure of the previous fasli and a slight decrease (.10 per cent) over the corresponding figure for fasli 1345.”

Difficulties, if any, of agriculturists in raising credits, consequent on the Madras Agriculturists Relief Act.

* 77 Q.—DR. P. J. THOMAS: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state whether the difficulties of agriculturists in regard to raising credits for agricultural purposes from private money-lenders have increased since the passing of the Madras Agriculturists Relief Act, 1938?

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THE HON. SRI V. I. MUNISWAMI PILLAI:—"Government have received reports which show different conditions in different districts. There have been complaints about difficulty in getting private money-lenders to lend money to agriculturists as well as that evasions are being resorted to in respect of entries in documents about rate of interest."

Credit facilities availed of by agriculturists from co-operative societies since the passing of the Madras Agriculturists Relief Act.

* 78 Q.—**DR. P. J. THOMAS:** Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether, since the passing of the Agriculturists Relief Act, 1938, agriculturists have availed themselves of the credit facilities offered by the co-operative societies; and

(b) if so, whether the co-operative credit societies have been able to meet the growing demand on them?

THE HON. SRI V. V. GIRI:—" (a) The following figures indicate that agriculturists have availed themselves to a greater extent than before of the credit facilities offered by co-operative societies. Agricultural credit societies issued loans to the extent of Rs. 110.97 lakhs in 1937-38 as against Rs. 96.17 lakhs in 1936-37 and sale societies issued loans to the extent of Rs. 62.12 lakhs in 1937-38 as against Rs. 26.16 lakhs in 1936-37. From the date of the passing of the Act to 31st July 1938 central banks issued loans to the extent of Rs. 47.08 lakhs to agricultural credit societies and Rs. 29.64 lakhs to sale societies as against Rs. 36.40 lakhs and Rs. 13.14 lakhs respectively during the corresponding period of the previous year.

" (b) Yes."

Steps, if any, for affording debt relief among agricultural labourers.

* 79 Q.—**DR. P. J. THOMAS:** Will the Hon. the Minister for Agriculture and Rural Development be pleased to state whether any steps are under contemplation for relieving the burden of debt among the padiyals or panniyals and other agricultural labourers in the Presidency?

THE HON. SRI V. I. MUNISWAMI PILLAI:—"The matter is under consideration."

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Distinction between small ryot and big ryot.

* 80 Q.—SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: With reference to the Hon. the Prime Minister's budget speech, dated 1st September 1937, appearing on page 89 of the official report of the Legislative Council, will the Hon. the Minister for Revenue be pleased to state whom the Government classify as small ryot and where they draw the line of distinction between small ryot and big ryot?

THE HON. SRI T. PRAKASAM:—"The phrase was used in the sense in which it is generally understood and no precise line of distinction was necessary in the context in which the phrase was used."

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"May I know how it is generally understood?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"As I made the speech, I am expected to answer this question as to how it was generally understood. It is difficult for the Government to say that."

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—"May I know how the Government understood it?"

THE HON. SRI C. RAJAGOPALACHARIAR:—"When the gentleman made the reference to small ryots and big ryots, he understood it to be in the dictionary sense."

Management of Sri Madanantheswara temple in South Kanara by the Hindu Religious Endowments Board.

* 81 Q.—SRI D. MANJAYA HEGDE: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the Hindu Religious Endowments Board has notified that the Board would take up the management of the Sri Madanantheswara temple of Manjeswar in South Kanara district;

(b) if so, whether the Hindu Religious Endowments Board has taken the opinion of the Gowda Saraswatha community to which the temple belongs as to the above proposal of the Board; and

(c) whether the Government have received any objection from the Gowda Saraswatha community as to the present move of the Hindu Religious Endowments Board?

THE HON. DR. T. S. S. RAJAN:—" (a) Notice has been issued by the Hindu Religious Endowments Board under section 65-A (1) (a) of the Hindu Religious Endowments Act to the trustees and all other persons having interest in the temple to show cause why the temple should not be notified to be subject to the provisions of Chapter VI-A of the said Act.

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The first hearing of the case is posted to 12th November 1938, and the Board has not notified that it will take up the management of the temple.

“(b) The notice issued by the Board has been served on the trustees of the temple. In addition, it was affixed to the temple premises and published in the columns of the *Hindu* and *Swatantra Bharati*, a vernacular newspaper. This is the manner of publication prescribed under the rules framed by Government. Such publication constitutes due notice to the public and all persons having interest, including members of the Gowda Saraswathi community who may file objections to the issue of the proposed notification.

“(c) Objections were received by Government from certain members of the Gowda Saraswathi community and they have been forwarded to the Board. They will be considered by the Board at an enquiry as required by section 65-A (4) of the Hindu Religious Endowments Act.”

Improvements to certain minor ports in South Kanara district.

* 82 Q.—SRI D. MANJAYA HEGDE: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the Government are contemplating to transfer fifty-five lakhs of rupees from the “Ports’ Fund Account” to the “General Account” of the Government;

(b) if so, what the reasons are;

(c) whether the Government are aware of the urgency of the improvement of the ports of Mangalore, Malpe and Gangolli in South Kanara district; and

(d) if not, whether the Government propose to make regular enquiry as to the development of the ports in this district?

THE HON. MR. YAKUB HASAN:—“(a) & (b) The attention of the Hon’ble Member is invited to the statement of Objects and Reasons of the Bill to provide for the disposal of the balance to the credit of the Minor Ports Fund in the Province of Madras of which notice has been given.

“(c) The Presidency Port Officer has submitted certain proposals for the improvement of these ports and these are under consideration.

“(d) Does not arise.”

Diet, newspapers and periodicals supplied to the various classes of prisoners.

* 83 Q.—KHAN BAHADUR T. M. MOIDU SAHIB BAHADUR: Will the Hon. the Minister for Courts and Prisons be pleased to furnish a statement showing the—

(a) nature of diets; and

(b) the names of the newspapers and periodicals which are allowable to each class of the prisoners, viz., A, B and C?

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THE HON. SRI S. RAMANATHAN (Minister for Public Information) on behalf of the Hon. Sri K. Raman Menon:—

“(a) The hon. Member is referred to the diet scales in rule 347 of the Madras Jail Manual, Part II.

“(b) A statement ^a is laid on the table.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
“With regard to newspapers and periodicals allowable in prison, may I know whether the *Justice* and the *Sunday Observer* are not allowed to be delivered in prisons?

THE HON. SRI S. RAMANATHAN:—“Obviously, the names of these papers are not on the list.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
“May I know whether the Government will issue instructions not to prohibit these journals the *Justice* and the *Sunday Observer* but to include them among others in the list?”

THE HON. SRI S. RAMANATHAN:—“Not likely.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
“May I know the reason?”

THE HON. SRI S. RAMANATHAN:—“These journals have been included in the list with a view to affording prisoners to get suitable reading at their own cost.”

SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
“If these prisoners want to buy these two journals at their own cost, will there be any objection to allow them?”

THE HON. SRI S. RAMANATHAN:—“The suggestion will be considered.”

SRI R. SRINIVASA AYYANGAR:—“Is it a fact that the *Hindu* is not in the list?”

THE HON. SRI S. RAMANATHAN:—“It is in the list.”
(Laughter.)

Districtwar statement showing various extents of land held by pattadars.

* 84 Q.—KHAN BAHADUR T. M. MOIDU SAHIB BAHADUR: Will the Hon. the Minister for Revenue be pleased to furnish a statement showing the number of pattadars under the following categories in each district:—

- (a) holding 1 acre and below.
- (b) holding over 1 acre and below 2 acres.
- (c) ,, 2 acres and below 3 acres.
- (d) ,, 3 acres and below 4 acres.
- (e) ,, 4 acres and below 6 acres.

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- (f) holding over 6 acres and below 30 acres.
 (g) „ 30 acres and below 60 acres.
 (h) „ 60 acres and below 120 acres.
 (i) „ 120 acres and below 300 acres.
 (j) „ 300 acres and below 600 acres.
 (k) „ 600 acres and below 1,000 acres.
 (l) „ 1,000 acres and below 1,500 acres.
 (m) „ 1,500 acres and below 3,000 acres.
 (n) „ 3,000 acres and below 5,000 acres.
 (o) „ 5,000 acres and below 6,000 acres.
 (p) „ 6,000 acres and below 7,000 acres.
 (q) „ 7,000 acres and below 8,000 acres.
 (r) „ 8,000 acres and below 10,000 acres.

THE HON. SRI T. PRAKASAM:—“ The Government have not the information asked for and it cannot be collected without considerable labour and expense.”

KHAN BAHADUR T. M. MOIDU SAHIB BAHADUR:—“ May I know whether the Government think it worth while or not to collect the information and place it before the House? ”

THE HON. SRI T. PRAKASAM:—“ We have been trying to get the information, and we shall try to get it as far as possible.”

Flag-hoisting ceremonies performed by Ministers and consequent travelling expenses.

* 85 Q.—SRI B. NARAYANASWAMI NAYUDU: Will the Hon. the Prime Minister be pleased to state the number and places of flag-hoisting ceremonies performed by the Hon. Ministers or their Secretaries since July 1937 and the amount of travelling expenses drawn in connexion therewith?

THE HON. SRI C. RAJAGOPALACHARIAR:—“ The Hon. Ministers and their Parliamentary Secretaries have not kept any account of the ceremonies referred to and performed by them. The tours were not undertaken for that purpose and no expenditure on travelling allowance has been incurred in that connexion. Popular Ministers cannot avoid engagements of various kinds while they move about on public business.”

SRI B. NARAYANASWAMI NAYUDU:—“ I have asked about flag-hoisting ceremonies; and there might have been flag-hoisting ceremonies along or in conjunction with other business also.”

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THE HON. SRI C. RAJAGOPALACHARIAR:—"The hon. Member has not followed my answer. It is 'The Hon. Ministers and their Parliamentary Secretaries have not kept any account of the ceremonies referred to and performed by them. The tours were not undertaken for that purpose and no expenditure on travelling allowance has been incurred in that connexion. Popular Ministers cannot avoid engagements of various kinds while they move about on public business.' "

Labour strikes in the Province since July 1937.

* 86 Q.—**SRI B. NARAYANASWAMI NAYUDU:** Will the Hon. the Minister for Industries and Labour be pleased to state the number of labour strikes since July 1937, the places and concerns involved in such strikes, the duration of each strike, the number on strike during each strike, the suspension of industry during each strike, the loss resulting therefrom to industry and the causes of the strikes?

THE HON. SRI V. V. GIRI:—"The attention of the hon. Member is invited to the appendix to the Administration Report of the Labour department for 1937-38 which has been placed at the disposal of the Press. A fuller account of the trade disputes will appear soon."

Extent of wet and dry lands available for assignment.

* 87 Q.—**SRI RAO BAHADUR M. RAMAKRISHNA REDDI:** Will the Hon. the Minister for Revenue be pleased to place on the table of this House a statement showing the extent in each of the categories of wet and dry lands available for assignment in each taluk of the Presidency?

THE HON. SRI T. PRAKASAM:—"The Government have no information but have called for a report."

Cost of electricity supplied for agricultural purposes.

* 88 Q.—**SRI B. NARAYANASWAMI NAYUDU:** Will the Hon. the Minister for Public Works be pleased to state what the cost per unit is for electricity supplied for agricultural purposes in Coimbatore district?

THE HON. MR. YAKUB HASAN:—"The rate for supply of power for agricultural purposes is as follows:—

Power at 400 volts for bona fide agriculturists having not less than three horse-power connected—

For the first 250 units per installed horse-power per annum—1 anna per unit.

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For the next 250 units per installed horse-power per annum—0.90 anna per unit.

For all in excess per installed horse-power per annum—0.75 anna per unit.

“No minimum charge but annual guaranteed consumption of power shall not be less than that equivalent to Rs. 7-8-0 per horse-power connected per year or As. 10 per horse-power connected per month, otherwise balance will have to be paid. Lighting allowed on the power circuits up to 80 watts per 1,000 watts of motive power connected.

“The annual minimum guarantee will be reduced if the consumer is unable to use power owing to scarcity of water in the wells due to exceptional drought. The reduction in the guarantee will be proportionate to the number of days in which the well could not be used and subject to the condition that the consumer sends due intimation in writing to the Electricity department as soon as the well becomes dry and the fact is confirmed by the Collector or by an officer authorized by him.”

SRI B. NARAYANASWAMI NAYUDU:—“May I know whether the cost per unit for electricity is below or above the cost that will be required per unit, if the machine is propelled by steam or gas?”

THE HON. MR. YAKUB HASAN:—“This question is about Coimbatore alone, and in Coimbatore, the question of machine propelled by steam or gas does not arise.”

Proposal, if any, to construct a bridge at Nellimerla, Vizagapatam district.

* 89 Q.—SRI P. VEERABHADRASWAMI: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether there is a proposal to construct a bridge at Nellimerla, Vizagapatam district;

(b) if so, what the estimated cost of the bridge is; and

(c) when the Government propose to start the work?

THE HON. SRI B. GOPALA REDDI:—“(a) The answer is in the affirmative.

“(b) Rs. 3,50,000.

“(c) The work can be taken up as soon as the district board gets the detailed plans and estimates for the scheme prepared and sanctioned by the competent authority.”

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Divisional Inspectors of Schools and their duties.

* 90 Q.—SRI P. VEERABHADRASWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) how many Divisional Inspectors of Schools are there for the Presidency and which are their headquarters;

(b) what the duties of these Divisional Inspectors are;

(c) what the total expenditure incurred by the Government from the year 1937 to 1938 was for their salaries, touring expenses and their office establishments; and

(d) whether there is any proposal to abolish these posts?

THE HON. DR. P. SUBBARAYAN:—“(a) There are four Divisional Inspectors of Schools, two with headquarters at Madras, one at Guntur and the other at Coimbatore.

“(b) The duties of the Divisional Inspectors are mainly to keep a strict control over the manner in which public funds are expended on education to prevent wasteful expenditure on ineffective and inefficient schools and to supervise the work of District Educational Officers and their subordinate staff. They also exercise the powers delegated to them by the Director of Public Instruction and perform such other duties as are assigned to them.

“(c) The information has been called for.

“(d) No such proposal is under consideration now.”

KHAN BAHADUR T. M. MOIDU SAHIB BAHADUR:—“May I know with regard to these officers who have been appointed till now, whether the Government think it beneficial?”

THE HON. DR. P. SUBBARAYAN:—“If the hon. Member will put down the question separately, he will get the suitable answer.”

Investment of provident fund amounts of school teachers in Government securities and Land Mortgage Bank debentures.

* 91 Q.—SRI P. VEERABHADRASWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(a) whether the Government have received representations from the teachers' associations of private managed schools to permit the teachers (1) to have their provident fund amounts invested in Government securities and Land Mortgage Bank debentures instead of in Post Office Savings Banks; (2) to permit them to pay insurance premia from out of the provident fund amounts as employees in local bodies are permitted; and

(b) what action the Government propose to take on these representations?

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THE HON. DR. P. SUBBARAYAN:—“(a) Representations have been received for permitting teachers in non-pensionable service to invest their provident fund amount in Provincial loans and also for paying the premia on life insurance.

“(b) The question is under consideration.”

Water-supply scheme for Salur, Vizagapatam district.

* 92 Q.—SRI P. VEERABHADRASWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government have received any memorial from the citizens of Salur, Vizagapatam district, that an amount of about twenty thousand rupees was deposited with the District Board, Vizagapatam, for a water-supply scheme for Salur and that action may be taken by the Government to expedite the scheme;

(b) whether the Government have found out from the Vizagapatam District Board what amount stands to the credit of Salur in their account; and

(c) what action the Government have taken or propose to take on the memorial?

THE HON. DR. T. S. S. RAJAN:—“(a) The answer is in the affirmative.

“(b) A sum of Rs. 28,797 is reported to be available under investment.

“(c) The Government are considering the question of sanctioning the detailed investigation of the scheme. The Sanitary Engineer has been asked to report the cost of such an investigation.”

Reduction of cycle tax by various municipalities.

* 93 Q.—SRI P. VEERABHADRASWAMI: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have received representations from various municipalities seeking permission to reduce cycle tax; and

(b) what action the Government have taken or propose to take on the representations?

THE HON. SRI B. GOPALA REDDI:—“(a) The answer is in the affirmative.

“(b) A statement^a is laid on the table.”

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Financial implication of the recommendation for the reduction of assessment on land and separation of water-tax from land-tax.

* 94 Q.—SRI RAO BAHADUR M. RAMAN: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the attention of the Government has been drawn to the article headed “ Co-operative Credit—Causes of Failure in Rural Areas ” published in the *Hindu* of 23rd July 1938; and

(b) if so, whether the Government will state the result of the verification of the figures contained therein, in regard to the margin of the income from land and place on the table of the House, a statement showing the financial implication of the suggestion of the Indian Taxation Enquiry Committee regarding the reduction of the assessment on land to 25 per cent of its income and the separation of water-tax from land-tax?

THE HON. SRI T. PRAKASAM:—“(a) The answer is in the affirmative.

“(b) It was found on verification that the figure given in the article as representing the highest price of paddy for the last seven years was not correct, and that the figure for cultivation expenses was vitiated by the fact that the items usually defrayed in grain had been commuted into money at the commutation price of paddy calculated at the resettlement, which was much higher than the current prices at which the yield was valued. The financial implications of the suggestions of the Indian Taxation Enquiry Committee referred to have not been worked out.”

Rate of interest at which Government borrow and lend money.

* 95 Q.—SRI RAO BAHADUR M. RAMAN: Will the Hon. the Prime Minister be pleased to state what the rate of interest is at which Government have borrowed money for the purpose of lending it to ryots and what the rate is at which they are lending it to them?

THE HON. SRI C. RAJAGOPALACHARIAR:—“Government does not borrow money separately for the purpose of lending it to ryots. The requirements of the Government for all purposes are estimated and a loan is raised for the amount required.

“The effective rate of interest that the Government have to pay on the 15 years open market loan raised by them in 1937 is 3.12 per cent, and the corresponding rate for the similar loan raised in the current year is about 3.16 per cent.

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“The rates of interest charged by the Government on loans to ryots are as follows:—

Loans under the Land Improvement Loans Act and the Agriculturists' Loans Act, commonly known as Takkavi loans— $5\frac{1}{2}$ per cent.

Loans under the Agriculturists' Loans (Madras Amendment) Act, 1935, for the relief of indebtedness— $6\frac{1}{4}$ per cent.”

SRI K. P. MALLIKARJUNUDU:—“May I know, Sir, what are the reasons for the difference in the rates the Government are charging for their borrowers and the rate at which they borrow?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“The reasons are that the effective borrowing rate would be higher if the loans are for over 20 or 30 years as some of our loans to the ryots are. The Government loan is for 15 years and those of the ryots are for 20 or 30 years.

“Again, Government do not really make a profit. On the contrary, the working of these loans involves a net charge on the Provincial funds. The actual working of Takkavi system of loans has been examined in detail for a period of 15 consecutive years, and according to the calculations, it was found that to provide for the time and labour spent on the loan-work—apart from the ordinary revenue staff, the cost of additional establishment, all losses on account of the write-offs, suspensions of payment even of interest and payment and re-payment of principal, reduction of rates of interest in special cases—a margin of $4\frac{1}{2}$ per cent between the Government's borrowing rate and lending rate is necessary, if the Government are not to incur any loss in these loan operations.”

SRI K. P. MALLIKARJUNUDU:—“May I know what is the position in other Provinces of India?”

THE HON. SRI C. RAJAGOPALACHARIAR:—“In Bombay, I can say that even the present reduced rate is much higher than our rate.”

Maintenance of survey marks.

* 96 Q.—SRI RAO BAHADUR M. RAMAN: Will the Hon. the Minister for Revenue be pleased to state—

(a) the result of the experiment that was being done in the maintenance of survey marks;

(b) what the present number is of survey marks requiring repair or re-planting and what the number of subdivisions to be measured is in the several districts; and

(c) with the staff now employed, how long it will take to complete the work?

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THE HON. SRI T. PRAKASAM:—“(a) It is not known to which scheme the hon. Member is referring to. Two schemes, viz., (1) maintenance by a survey staff and (2) reduction of the number of maintainable stones in the triangles areas, are still in an experimental stage.

“(b) The attention of the hon. Member is invited to Appendices VI to VIII to the Administration Report relating to Survey, Settlement and the Maintenance of Revenue Records and Registration for the official year 1937–38 which has been published.

“(c) This question cannot be answered as fresh items requiring repairs and renewal are constantly being reported.”

Damages caused by cyclone in East and West Godavari and Kistna and relief measures taken.

* 96-A Q.—SRI P. PEDDI RAJU: Will the Hon. the Minister for Revenue be pleased—

(a) to place before the House the reports of Collectors of the districts of East Godavari, West Godavari and Kistna regarding the damage caused by the recent cyclone on 25th November; and to state

(b) the extent of the damage caused in each of those districts on account of rain and wind;

(c) the measures adopted for the relief of the people that suffered thereby;

(d) whether the Government have decided to grant remission and if so, to what extent;

(e) whether the Government have sanctioned any additional staff for the detailed investigation of the loss caused thereby; and

(f) whether the Government have recognized that more damage resulted owing to defective drainage in the delta?

THE HON. SRI T. PRAKASAM:—“(a) The Government will consider the question of placing the reports on the table of the House as soon as complete reports of damage are received. 11-30 a.m.

“(b) Complete details are not available.

“(c) The Government have sanctioned a grant of Rs. 10,000 to each of the districts of Kistna and West Godavari. A grant of Rs. 3,000 has been made to East Godavari district. The amount will be utilized to relieve real distress. Arrangements were made on the spot by the Collector for the provision of food and the supply of hutting materials where necessary.

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- “(d) Remissions can be granted under the ordinary rules by the district authorities. But no proposals for the grant of remissions beyond that provided for under the ordinary rules have been received.
- “(e) The Government have sanctioned 18 and 13 special Revenue Inspectors for azmoish on damaged fields in the West Godavari and Kistna districts respectively. No application for additional staff has been received from East Godavari district.
- “(f) The information received by Government is not sufficient to justify any conclusion in this respect.”

UNSTARRED QUESTIONS

Improvements to the drainage of Nadagudi, Nannilam taluk, and maintenance of normal supply level of Valappar below 40 feet.

21 Q.—SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is fact that improvements to the drainage of Nadagudi, Nannilam taluk, sanctioned in G.O. No. 1946 I., dated 4th September 1934, were executed for the purpose of keeping the N.S.L. of Valappar below 40 feet at the infall of Nadagudi drainage during south-west monsoon time;

(b) whether the N.S.L. of Valappar is so being kept so ever since the completion of works;

(c) whether the Executive Engineer, Cauvery division, advised the Nadagudi ryots to watch the results of the works;

(d) whether any representation was made to Public Works Department by the Nadagudi ryots on the results of the improvement works; and

(e) what action has been taken or proposed to be taken on such representation?

A.—(a) The answer is in the affirmative.

(b) The N.S.L. of Valappar has sometimes been above 40.00 when there is great demand for water during transplantation. From 1st October onwards the supply in the river is given by turns and the supply is entirely cut off during the north-east monsoon season. Even during July, August and September prompt action is taken to reduce the level to below 40.00 to facilitate drainage of Nadagudi lands.

(c) & (d) The answer is in the affirmative.

(e) It is proposed to investigate the matter further and to carry out remedial measures possible during next closure.

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Coconut Research Stations at Piticode and Nileshwar of South Kanara and their management.

22 Q.—SRI D. MANJAYA HEGDE: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(a) the year when the Coconut Research Stations at Piticode and Nileshwar of South Kanara were respectively started;

(b) the number of Government servants drawing more than Rs. 75 a month where the farms were originally started;

(c) the number now working in these stations;

(d) the total expenditure incurred in all the above stations since the starting of these stations under the following heads:—

(i) coolies, (ii) clerks, (iii) farm managers and their assistants, (iv) grand total including travelling allowance of these farm managers and the inspecting officers; and

(e) whether the coconut trees from the stations were uprooted in 1933; if so, why; whether any methods were tried to improve the condition of the trees before actual uprooting?

A.—(a) The stations were started in 1916.

(b) No Government servant drawing more than Rs. 75 per mensem was employed when the two stations were started. Two agricultural subordinates in the scale of Rs. 35—2½—75 were appointed.

(c) There are at present two farm managers drawing more than Rs. 75.

(d) No separate figures of expenditure are available for the two stations in question from the date they were started. The figures for 1937—38 are—

(i) Farm staff, Rs. 4,498.

(ii) Clerks, Rs. 658.

(iii) Labour Rs. 1,496.

(iv) Travelling allowance of farm staff, Rs. 143.

Travelling allowance of inspecting staff rupees 180 (this includes the cost of tours for the inspection of Kasaragod station also).

(e) In 1933 coconut trees were removed to make room for the seedlings obtained by hybridization in pursuance of the coconut breeding scheme.

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Leave and travelling allowance granted to the officers of Coconut Research Stations at Piticode and Nileshtar for attending the anniversary at Coimbatore Agricultural College.

23 Q.—SRI D. MANJAYA HEGDE: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state whether it is a fact that the farm managers and district officers connected with coconut research stations at Piticode and Nileshtar are allowed travelling allowance and leave for attending the anniversary at the Coimbatore Agricultural College every year; in what other department the same privilege is extended and why this expenditure is incurred when economy is advocated all round?

A.—The farm managers of these stations were occasionally allowed to attend the College day and Conference. They were treated as on duty when attending the function and paid travelling allowance.

The practice in the Agricultural department of allowing certain classes of officers to attend the function has been in vogue since 1911. They derive considerable benefit by attending it as it gives them opportunities to exchange notes and enables them to visit the college and the central farm. Such conferences help to keep up the standards of professional service.

A similar privilege used to be allowed in the past to police officers attending the Police Conference at Vellore, but it is not now an annual event.

Farm managers of coconut research stations and the advice given by them to ryots on improved methods of farming.

24 Q.—SRI D. MANJAYA HEGDE: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state whether the farm managers of coconut research stations are expected to go to the ryots adjoining their farms and advise them on the benefits of the improved methods of farming; if so, whether he will place on the table of this House a report on the work turned out by these farm managers in this connexion?

A.—The main function of farm managers is management of the farm entrusted to them and maintenance of the farm accounts. In leisure hours they are expected to render help to the ryots in the neighbourhood and guide them in trying improvements. It is the business of the agricultural demonstrator to go to the ryots and advise them as to the benefits of improved methods of farming.

A statement^a showing instances in which farm managers gave advice to ryots is placed on the Table.

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Temples in the various taluks assessed to contribution on an annual income of above Rs. 5,000 and below Rs. 5,000.

25 Q.—SRI B. NARAYANASWAMI NAYUDU: Will the Hon. the Minister for Public Health be pleased to state—

(a) the names of the temples in each revenue taluk which are assessed to contribution under section 69 of the Madras Hindu Religious Endowments Act, 1926, on an annual income of Rs. 5,000 and upwards; and

(b) the names of the temples in each revenue taluk which are assessed to contribution under section 69 of the said Act on an annual income of less than Rs. 5,000?

A.—(a) A statement^a is placed on the table.

(b) The Government have not the information asked for and it cannot be collected without considerable labour.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

GOVERNMENT BUSINESS.

II.—THE MADRAS MINOR PORTS FUND BILL, 1938 (L.A. BILL No. 20 OF 1938), AS PASSED BY THE ASSEMBLY.

* THE HON. MR. YAKUB HASAN:—“ Mr. President, I beg to move—

‘ That the Bill^b to provide for the disposal of the balance to the credit of the Minor Ports Fund in the Province of Madras (L.A. Bill No. 20 of 1938) as passed by the Legislative Assembly be taken into consideration at once.’

There is a saying that brevity is the soul of wit. But in the case of the Statement of Objects and Reasons attached to the Minor Ports Fund Bill brevity did not hit the mark. A certain amount of knowledge was assumed on the part of the public, but subsequently it was found that even the members of the Legislature were not acquainted with the system under which the minor ports are administered. If the Statement of Objects and Reasons was more comprehensive and the scope not only of the Minor Ports Fund but also of other connected marine funds was explained, misgivings and suspicions may not have arisen, at least not to the extent that they have arisen. When once suspicions are aroused

^a Printed as Appendix IV on pages 167–174 infra.

^b Printed as Appendix V at page 175 infra.

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and misgivings are created, it is very difficult to dispel them. I hope, however, that my attempt to clear the position in the Legislative Assembly has not been in vain. I expect that the members of this House who may have followed the proceedings of the Assembly closely will understand the situation better.

“ The administration of the minor ports is carried on and conducted under the provisions of two Acts. First, the Central Act, the Indian Ports Act of 1908 and the other Provincial Act, the Madras Outports Landing and Shipping Fees Act of 1885. Tuticorin is the only minor port that has got a separate trust board to administer its affairs. All the other 54 ports—some people are under the impression that there are 104 ports, but there are only 54 ports—are for the purposes of finance and expenditure regarded as one port. The revenues that are collected on the tonnage of vessels that enter the ports are credited to the Minor Ports Fund. Out of the 54, 15 ports are large and important and the Landing and Shipping Fees Act is made applicable to 12 out of the 15 ports. Then there are ten ports that have Landing and Shipping Committees or Port Conservancy Boards. Each of the 12 ports has a Landing and Shipping Fund of its own. The port dues that are collected and credited to the Minor Ports Fund are to be spent on (a) the pay, allowance, pensions, etc., of the employees and (b) the cost of buoys, beacons, lights and all other works maintained chiefly for the benefit of the vessels entering, or leaving the ports or passing through rivers or channels leading thereto. These are the purposes on which the port dues are to be spent. Similarly landing and shipping fees are collected and are credited to the Landing and Shipping Fund. Each port, as I said, out of the 12 ports has got a Landing and Shipping Fund of its own. Now after meeting the normal expenditure of the ports, there is always a surplus in the Minor Ports Fund every year. Similarly after meeting the expenditure connected with landing and shipping there is a surplus in the Landing and Shipping Fund of each port. Now the question offers itself to everyone: when there is after meeting the expenditure on the ports so much surplus, why not reduce the port dues? Similarly after meeting the landing and shipping expenditure there is a surplus in the Landing and Shipping Fund, why not then, reduce the landing and shipping fees? That is what some people say, but this question is not to be dealt with on that basis. Port dues may be reduced if they are too high, and they have a deterrent effect on trade, and by reducing them, traffic may increase. If it is found to be so, it is justifiable to reduce the port dues. Port dues are not to be reduced simply because there is a surplus and so the money should be given away. At the same time if the port dues are not enough to meet the expenditure that legitimately falls on the Fund, then the port dues should be raised to meet the extra expenditure. These are

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the ordinary methods on which any concern, especially a commercial concern, any concern the object of which is to give service, is managed. In the same way, the landing and shipping fees can be reduced if it is necessary to reduce them, if by reducing the landing and shipping fees, we can increase and attract more traffic. At the same time the port dues can be increased to the extent that such increase is justifiable and the trade can bear it. Simply because there is a surplus, the Government are not bound to spend the money away somehow.

“As regards capital outlay, Government spend money out of the Minor Ports Fund on such capital outlay as will facilitate the entering and outgoing of the vessels. It can be spent on works maintained chiefly for the benefit of vessels entering, or leaving the ports or passing through rivers or channels leading thereto. This is the only object for which the surpluses of the Minor Ports Fund can be utilized. Similarly, the surplus in the Landing and Shipping Fund of a port could be utilized for improving the conditions of the ports, which will make landing and shipping more efficient, in improving the wharfs, in building warehouses, etc. The channel or the backwater which is near the ports in which the boats carrying cargo and passengers enter may silt up, and the silt has to be removed by the use of dredgers. The dredging operations are thus done for the benefit of shipping and landing. All this expenditure legitimately falls on the Landing and Shipping Fund.

“The Madras Minor Ports Fund is not the only fund that has got accumulated surpluses. The Landing and Shipping Fund of each port has got a balance. For example Masulipatam has got Rs. 89,000; Mangalore Rs. 1,25,000; Calicut Rs. 3,20,000; Cuddalore Rs. 3,30,000 and Cocanada Rs. 14,00,000. Now because there are surpluses in the Fund, the Government always tried to see what improvements are necessary for making the entry and clearance of vessels efficient and more easy, on which the Minor Ports Fund could legitimately be used and all the suggestions that have been made in the matter and found feasible were carried out. At the same time Landing and Shipping Committees applied for funds for the improvement of their works and the Government have met their demand to the necessary extent. If any Committee had sufficient balance in its fund it met that expenditure from the Fund. When they had no funds, they asked for loans and Government have given them loans. In some cases they asked for a half-grant and a half-loan, which also the Government have met. Some others said, ‘We have no money, nor the means to pay back a loan’; and in such cases, Government give free grants from the Minor Ports Fund.

“It was complained, ‘Why did not the Government, when they had so much money in the Ports Fund, go about inquiring

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what were the necessities of the several ports?' The charge was also made that the Government had neglected their duty. In my speech in the other House I have pointed out that the Government have never been negligent. All the suggestions that were received from time to time were examined, and every effort was made to find out what was needful in each case. I need not go into these details, as they have already appeared in the Press under the proceedings of the Assembly. But since the intention of the Government has been suspected, since people have said that this Fund is necessary for the use of the minor ports and that the Government should not take away the whole Fund, I shall say this. Every effort has been made to find out what the requirements of the ports were on which this Fund can be utilized. Before this Bill was brought forward, the Government inquired of the Presidency Port Officer what the requirements of the several minor ports were and he made exhaustive inquiries and sent us a list of the requirements of the ports. He did not go into the merits of each of those requirements; he simply laid before the Government the list; he simply said, 'These are all the possible improvements that can be made.' Now, we are going fully into the question as to how far these improvements are justified. I have received deputations and I have visited several ports to see what improvements were necessary and I have received a list from Mr. Nuttall. Almost all the items in this list are covered by the recommendation that the Presidency Port Officer has submitted. Even if all these improvements are found necessary, the amount that the Ports Fund may be called upon to bear will not exceed 12 lakhs. The exact figure is Rs. 11.54 lakhs. That is all the money that is required. I said in my speech in introducing the Bill that we were not going to take away all the money that is now standing to the credit of Minor Ports Fund. Sufficient fund will be left behind to be used on the improvement of the ports. My idea was that a permanent balance of five lakhs of rupees may be kept; anything in excess of that may go to the general revenues. In addition to the permanent balance of five lakhs I wanted that a reserve fund of 15 lakhs may be earmarked for the improvement of the minor ports to be utilized when the improvements have been fully considered. But in the Select Committee it was decided that 'Instead of five lakhs, twenty lakhs may be kept in the same fund and Government to have the power to transfer to the general revenues after spending from this Fund what remains out of Rs. 20 lakhs. This question of the transfer will be raised before the Legislative Assembly, and a resolution will be moved authorizing the Government to transfer what is left in that Fund. So henceforth the Legislature will have a voice in deciding whether the diversion of the Fund was justified and also what amount was justifiable. So that is a great improvement in the Bill. Sir, I have said enough to commend this Bill for the consideration of the House."

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* MR. D. M. REID:—“ Mr. President, may I firstly offer my congratulations to the Hon. Minister on this by far the most effective speech that I have heard him make. His speech was built and delivered with great care and thought and gave a clear enunciation of the policy of the Government. I feel therefore no diffidence in standing up to maintain the principle which the members of my constituency have held since this question was started. I should like to say that we much appreciate the work done in the Select Committee and the correct action of the Government in meeting us by the retention of twenty lakhs, which is the main aspect of this Bill.

“ I do not wish to detain the House too long, but there are certain things which I think ought to say. We object in principle to the appropriation to public revenue of money collected from importers and exporters for services rendered by the ports in connexion with the import and export of goods. The Central Government, in all countries, retains the control of certain very important sources of revenue such as income-tax, customs and the control of import and export charges in the ports in order to have uniformity. In India the major ports are chiefly under the control of the Central Government, while the minor ports are in the hands of the Provincial Government, which is a reasonable thing in order that the minor ports may receive more constant and easy attention. I do not think that it was ever the intention of the Central Government or the Government of India Act that the Provincial Government should have any right to the sums collected, for the reasons explained by me earlier. This is the first time that this thing happens in this particular case. I can with all honesty say that it is not right for the Provincial Government to take away a sum of money which happens to be available and which is not immediately needed for any other purpose. I say, ‘ which is not immediately needed for any other purpose.’ But that does not controvert the previous principle which I stated.

“ The periodical repetitions undoubtedly convert this happy chance into a tax on imports and exports. Now I had thought that this was only a happy chance and that the Hon. Minister, and perhaps the Hon. the Prime Minister himself, would give an assurance that this was only a special occasion and would not be a precedent. Perhaps I ought to have read more carefully the details of the speeches in another place: It came as rather a shock to find the Hon. Minister indicating that this was not necessarily the first time that such a surplus would be made available to the Government. I realize indeed that the last sentence of the Bill makes it permissive and subjects it to the approval of the Lower House. But what worried me in the speech was that the Hon. Minister said that there ought to be always a surplus; and it seems to me that he intends that there always shall be a surplus and that

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there shall always be a fund steadily accumulating which shall be made over to the revenues of the Province. That undoubtedly seems to indicate to me that it is the intention of the Government to convert this into a regular source of revenue. And, Sir, I respectfully submit to the Government that this is wrong in principle. I do not note from the Treasury Bench any dissent from what I have suggested.

"This again immediately connects the Provincial Government with the control and export trade. In the major ports the Central Government do not in fact control the administration of those ports. They interfere only in particular cases when difficult matters are put before them. The trustees themselves, subject to the confirmation of the Government which is almost invariably given, control the ports. The trustees have no connexion with Central or Provincial revenues. They are solely concerned to make the port as good, cheap and efficient as possible.

"Here, Sir, I see a great danger in the minor ports being made rather a source of revenue rather than a source of efficiency. The Hon. Minister said that he saw no reasons for the dues being reduced unless trade necessitated it which means that the dues can be kept at a rate far above the necessities of the port, if the trade can meet it. We know from the railways that it is possible to levy a much higher rate on some goods than others because they can stand it and to make the more expensive goods pay for carrying the inexpensive goods."

* THE HON. MR. YAKUB HASAN:—"I will simply assist you. The railway has a freight and the shippers also have a freight. Please do not mix them."

* MR. D. M. REID:—"No, Sir. I think I was going to say the same thing. I was only drawing a parallel between both freights. The word 'freight' would confuse matters. I am well aware of the fact that it does not come into this matter; I was only going to draw a parallel. The Provincial Government should not make one apparent source of revenue excessive when there is no necessity for it. Sir, I respectfully submit to the Government, that it is a vicious principle that anything should be made to bear far more than it need pay, if it is not a legitimate source of revenue to the Province. This source of revenue is not a proper source of revenue to the Province and was never intended to be such. May I repeat that I understand and appreciate the present situation in which apparently there is a large sum of money all of which is not immediately needed, and which the Government wish to transfer to their general revenues? I understand that point of view. But it is an evil principle if it is made a regular principle and if it is not regarded as a fortuitous circumstance. Perhaps I am touching a delicate subject. It is only right and proper that

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this democratic Government should stand up and bear the mistakes of previous Governments. I am glad to note that this Government have notably done so in respect of circumstances and actions that have been done before by the previous Governments. Therefore I do hope the Hon. Minister will not mind if I attack the policy of the previous Governments in this matter. Sir, I suggest that it has for long been a custom to try to prevent the expenditure of money on public services from the heaven-born individuals at the top, under the guise of economy, and to discourage the people lower down, telling them to be pleased with what they can get. There is money available for them, and I suggest, and I think it is true, that the officers concerned in the past have been so bullied and prevented from getting what they demanded that they have been very chary in expending and putting forth the necessary schemes for these ports. If, Sir, we were in one of those countries which we look upon with such apprehension, the totalitarian countries, undoubtedly our minor ports will be very different from what they are to-day. If we go and see them, we see astonishing progress. I am not for a moment suggesting that we should depart from the democratic principles on which we now stand. But what I would suggest to the Prime Minister, the Hon. Minister in charge and the Government is that behind them should be the spirit of improvement in every direction, and I respectfully say that I do not think that the previous Governments have realized that, nor have they made any serious effort to go into the matter of minor ports. No previous Minister has done such hard work nor sat at his work for such long hours as the Hon. the Minister for Public Works has done during the last two or three months. (Hear, hear.) I should like to take this opportunity of expressing the gratification of everyone in this Presidency for the work that he has done. (Hear, hear.) There is no need for me to go into the details on this subject. I appreciate what the Government have done. But I would like to repeat that I cannot approve of the general principle of making this a regular source of revenue."

* Mr. J. A. SALDANHA:—"Mr. President, I had long since 1925 been concerned with the better administration of minor ports and I had been trying my best to prevent the negligence, maladministration and extravagance on the part of the ports authorities. Since I re-entered the Council one of the first questions I put was with reference to the administration of these ports. Then in my last budget speech also I pressed this point. But neither the Hon. Minister for Public Works nor the Prime Minister condescended to refer to it. They were so callous about this matter. I was rather alone then in pressing the point, on principle as also for practical purposes. I am now here fortified with the opinion of my South Kanara Catholic Mercantile and Industrial Association. The Catholic community holds a dominant position in Mangalore and South Kanara in matters concerning trade such as tile

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factories and coffee. This association strongly disapproves the policy of the Government regarding the minor ports and is opposed to the Bill and wants me to bring to the notice of the Government the wretched condition of ports like Malpe and Mangalore. The Bill, I submit, is preposterous, uncalled for and unwanted. We would rather prefer a Bill to supplement the amount which ought to have been spent and could have been spent. If only the Hon. Minister had sent round his Parliamentary Secretary, he could have had plenty of work and gone deeper into the question and submitted comprehensive proposals, after consulting port people and officers concerned. The Hon. Minister was in Mangalore but no mercantile members of my community could see him. I could not see him."

MR. PRESIDENT:—"The hon. Member is not dealing with the tour of the Minister."

[MR. J. A. SALDANHA:—"I am only trying to point out that this tour was useless for the purpose of eliciting the necessary public opinion on these points. We want the Minister to feel the pulse of the people. That has not been done. Another mercantile association has also protested against the Bill. It is stated that only one member of it was able to bring to the notice of the Hon. the Minister the defects of the port of Mangalore and other ports in South Kanara. The arguments advanced in favour of this Bill I am afraid are based on fictions. One fiction is that this Government consider that these minor ports are to come under their control for the purpose of administration. That is not the case. This has been a department of the Government for over half a century. What have they done? They have neglected everything and now they find that there is accumulation of funds and want to appropriate them. This is neither a sound nor a just policy. The reports of these minor ports have been meagre and never contained full particulars of their income or expenditure. So difficult it is for any one to ascertain the exact financial position of these ports. All these years the conditions of these ports have continued to be bad. For instance, in the bar of the port of Mangalore the depth of water, it is reported, was only 5 feet in September and it was difficult for the boats laden with cargoes to come in or go out. Many sailing ships are unable to enter the port and have to remain in the open sea on account of the fact that the depth of water at the bar was low.

"Then, Sir, take the port of Masulipatam. This port also has been in a neglected condition. My hon. Friend, Mr. Reid, estimated that the improvement of this port might cost about 10 to 20 lakhs. The Cocanada and other ports also require improvements. What are these ports for if the people cannot have even

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the most necessary landing and shipping facilities? Besides, the administration of many of these minor ports has been unsatisfactory. Some years ago (in 1926) I moved an adjournment motion in connexion with the Tuticorin Harbour Works. It was carried. I am afraid I would have to move another adjournment motion in connexion with this matter now.

“One last word, Sir, and I am done. I urge, Sir, that the port dues and fees should be reduced. Excessive rates are now charged and these may be reduced. There cannot be a surplus and there ought not to be a surplus. If the Hon. Minister appoints a committee to go into the matter with regard to the Malabar and South Kanara ports, schemes can be drawn up for spending all this surplus in those ports themselves within a year. I therefore should protest against this measure as a most preposterous proposal. It is wrong in principle and wrong also economically and financially. I hope therefore that the Government will drop this Bill and bring a Bill for supplementing the funds of the minor ports and for better administration of ports.”

* SRI RAO BAHADUR M. RAMAKRISHNA REDDI:—“Mr. President, we are told by the Hon. Minister that there are 54 minor ports in this Province and that only 15 of them are important ports levying landing and shipping fees. These facts go to prove that all the 54 ports are not up to the mark all these years. That is to say, that the previous Government have not bestowed their best attention on these ports and improved the facilities available there. It is an admitted fact, Sir, that the ports play an important part in the trade and commerce of a country and that the prosperity of a place depends upon its ports. Therefore, it is the misfortune or ill-luck of our Province that the previous Governments have not done their best for the improvement of these ports. (Dr. Sir. K. V. Reddi Nayudu: ‘Question.’) Beg your pardon. Mr. President, even then they had with them a sum of Rs. 60 lakhs and they could have done their best to improve these ports. That is my complaint even to-day. Mr. President, under the present Government, the Government which can be said to be the people’s Government, matters are going from bad to worse; it is a matter for regret. At least the people’s Government may allow the funds to remain with the ports so that their successors may have an opportunity to improve the facilities in these ports if they had a mind to do so. They are not going to do that. The present Government, as ill-luck would have it, are not prepared to allow these funds to remain with the ports; they want to confiscate the funds and see that the posterity also is deprived of the facilities which could be given by the utilization of these funds on the ports themselves. I say, in that respect, the previous Government was decidedly better than the present Government. That is my opinion so far as this is concerned. The present Government, as soon as they got

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into power, ought to have drawn up a detailed scheme in consultation perhaps with the leading merchants of this Province and on the advice of the port officers concerned for the purpose of improving the existing ports. Instead of doing that, they have come down with a proposal to transfer the funds as they like. It is not known what funds they are leaving for the benefit of the ports. In the original Bill they wanted to leave only Rs. 5 lakhs for the ports. When the Bill went before the Select Committee they raised the figure to Rs. 20 lakhs. I do not know whether the ports require all the Rs. 60 lakhs or even more to raise their status as major ports. But the fact that the figure has gone up from Rs. 5 lakhs to Rs. 20 lakhs leads to the suspicion whether the ports do not require all Rs. 60 lakhs. We do not know anything and we have no information. Therefore, before passing this Bill, I would suggest to the Government to appoint a committee of leading experts to enquire and report whether these ports require improvement and if so, to what extent and at what cost. If the report of the committee says that Rs. 20 lakhs would be quite enough for the purpose, we are not going to object to the taking away of the balance. Without going about the business in that way, the Government simply say that they want Rs. 40 lakhs. We are therefore justified in asking, why they want these Rs. 40 lakhs and what is the extraordinary condition necessitating this diversion. The Government can tell us for what purpose they want this money. They have not done so. In the absence of information on any of these points, it is only reasonable to conclude that these ports themselves may require all these 60 lakhs. I would, however, suggest to the Government to draw up a scheme and prove to the Council how these 20 lakhs would be enough to improve the ports. In that event I would have no objection to allow the Government to draw the balance.

“ However, Sir, this is a bad thing in principle. Now, the local boards collect pilgrim tax. This tax is intended to be spent in the interests of the pilgrims themselves. There is also the pilgrim tax levied by the municipalities. This is also intended to be spent for the benefit of the pilgrims. If now the Government themselves take power to spend certain funds on objects not intended originally, what is there to prevent the municipalities and local boards doing likewise? Is there any reason to object to their adopting this procedure and diverting the pilgrim tax? So, the Government are setting a bad example to the local boards. Sir, there are also various other funds collected by the village panchayats and so on. For instance they have the water-shed funds—an amount set apart to maintain water-sheds in the summer. They can say hereafter: ‘Look here, the Government are not observing the principle of non-diversion. Why not we also divert funds?’ ”

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“ So the Government are setting up a bad example to the local boards. My humble suggestion is that before they pass this Bill into an Act, they must appoint a committee to draw up a scheme of their expenditure and then should come to tell us for what purpose they want so many lakhs of rupees which is said to be surplus. Otherwise I only protest that the present amount of Rs. 20 lakhs is not sufficient for the ports and therefore I oppose the motion before the House.”

12-30
p.m.

DR. SIR K. V. REDDI NAYUDU:—“ I beg to associate myself with Mr. Reid in the appreciation of the speech of the Hon. Minister. Perhaps for the first time in this House, we have listened to a speech of an Hon. Minister from the Treasury Bench attempting not merely to explain the position so that the Members of this House may be able to follow him but also trying to conciliate the public feeling both in this House and outside. Our thanks are due to him. Having said that, Mr. President, let me refer to a few points raised in that speech. References have been made more than once by the Hon. Minister to the speeches made in another place. Of course we are expected, I believe, to read or be present in the other House and I regret to say, Sir, that facilities are not afforded in our country for such reading. In England and, for the matter of that, in South Africa—my friend, the Rt. Hon'ble Mr. Sastri, will bear me out when I say this,—the Hansard comes out the next morning, but here in this country we get reports of our Council in book form sometimes one month after, sometimes after two months—and in one instance we received it in the third month. As for the newspaper reports the trouble is we cannot rely upon them for the entire report. For want of space, they probably give very brief reports and we cannot blame them; and would it be too much to suggest, at this juncture, that, if the Legislature has a press of its own located in this very building, and if the reports are printed overnight and handed to the Members of the House the next morning, it will facilitate matters? It is only then we can be expected to go through them and be prepared to say or not to say something about what has happened in another place. When that is not possible for us, it is impossible for the Members of the House to get themselves correctly acquainted with what has happened in the other place.

“ Having said that, Mr. President, let me come to the Bill itself. As has been pointed out by more than one hon. Member, the principle on which the Government are going is wrong. No doubt they want money. But in a fit of puritanical and humanitarian fanaticism the Government have provided themselves with probably a loss of 4 crores by their prohibition policy. I do not blame them for it at this stage and until some time passes, until we know the result of their policy. But I would submit they have landed themselves in a quandry and it would be difficult for them

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to get out of it. We quite sympathize with them and if they come forward with proposals of taxation, from any fresh sources certainly this House will not be wanting in giving its support in all reasonable things. It is admitted that the Government have been managing this fund on behalf of the ports. References have been made by the Hon. Minister himself to certain Acts under which this administration has been carried on, but those Acts clearly define the purpose for which these funds will have to be utilized. Surely the present one is not one of those purposes."

* THE HON. MR. YAKUB HASAN:—"It is . . ."

DR. SIR K. V. REDDI NAYUDU:—"It cannot be. Any way will the Hon. Minister refer me to any provision of law which says that the funds can be diverted to general revenues?"

* THE HON. MR. YAKUB HASAN:—"Section 36 (6) of the Indian Ports Act lays down that the balance can be disposed of by the Government. Under the Act 'balance' means the amount that is left, after the necessary expenditure has been made. The section means that the whole of the balance cannot be used for the purpose of these ports. But if there should be a balance after meeting the necessary expenditure, it could be disposed of by the Government."

DR. SIR K. V. REDDI NAYUDU:—"Sir, I beg to differ from the Hon. Minister in the interpretation of that section. That section does not in the least admit that the balance amount could be utilized or that it could be added to the general revenues. The Hon. Minister is probably aware of what is known as the doctrine of *ejusdem generis*. It means this. There are many lawyers here and it is perhaps unnecessary for me to give many examples. We have now seen it stated that the Government have been managing this fund themselves for the ports. That means the Government are trustees of this fund and if a trustee, according to the law as it prevails in this country, is not entitled to divert the moneys of the trust properties for any purpose which is not germane to the purpose for which the trust money was intended to be spent, even so, the Government cannot divert this fund for any other purpose or take it to the general revenues. Sometimes if on account of some inconvenience, the money has not been spent for the purpose for which it was intended, surely the trustee has got the right to utilize it for a purpose akin to the purpose which is mentioned in the Trust or the Will. For instance if a certain Trust had been created for running a Sanskrit college or meeting the salaries of Sanskrit pandits, and if the money had not been spent for that purpose, then the trustee of that fund could certainly spend it for some educational purpose and it cannot be used for the purpose of refilling the

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coffers of the Government on account of the loss they have sustained on account of prohibition. My submission is that Government have not told us for what purpose they are going to use this money. If they have told us 'we are using this money for a purpose which is akin to the purpose mentioned in the Act and here is lying some money idle and it is not good policy to allow it to lie idle,' we could very well understand their proposal. They have not been pleased to tell us so. Take for instance cotton cess or tea cess. The cesses are collected for particular purposes. Supposing they have not been spent for the particular purposes for which they have been collected, viz., either for the improvement of cotton or tea, can it be said for a moment that it is open to the Government to take that money and utilize it for some other purpose? It is only collected for the purpose of improving cotton or tea and I do not think the Government will be so unreasonable as to say that they would spend the amount for any other purpose. All I submit is that we are perfectly willing to give any Government our support in any reasonable proposal that they may make for increasing their revenue, and we would have given our support to this Bill if they would use this money for the purpose of improving minor ports. It is true that each port has got its own fund; it is true that Government have been managing these ports, and it is also true that they have been using this money well for the improvement of trade. After all, these landing and shipping dues were paid by merchants and ship-owners for the purpose of meeting certain expenditure. If it was found that the revenues collected in the beginning was larger than what was actually required for the purpose for which it was first collected, surely the previous Government would have reduced the rates. Not that I plead that you should reduce the rates. But whatever we may say of the previous Government, those who believe that the previous Government had not been doing the right thing will say 'Oh, they have mismanaged and wasted their money.' Sir, if it is said that the previous Government have in any way failed in their duty towards these ports, merely because there is a large surplus, I beg to enter my emphatic protest and say that they have done their duty. We are thankful to the Hon. Minister for acknowledging this. Of course I see the difficulties of the present Government. But I ask 'why take away this money and spend it for some other purpose?' I maintain that this is a trust property in the hands of the Government, and it is a breach of trust to spend it for any other purpose."

THE HON. SRI T. PRAKASAM:—"Call it a criminal act."

DR. SIR K. V. REDDI NAYUDU:—"We cannot say so. Whatever is done by the Congress Government is not criminal. But the same thing done by other Governments is criminal."

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“ So I appeal to the Government even at this stage, to let us know whether they are going to use this money for any purpose connected with ports and trade.”

* SRI A. RANGASWAMI AYYANGAR:—“ I had no idea of intervening in this debate, for I thought it was practically a formal matter. Indeed it does seem to me that this is merely a case of book adjustment. The money that was in one ledger hitherto has been transferred to another ledger. What is said to be done by this Government is simply a transfer of the money from one ledger to some other ledger. If previously it was found to be the Government's money then there is no breach of trust now. The Government is a trustee not only for the Ports Fund but it is a trustee for all that concerns the people of this Province. And the present Government have told us in unambiguous language that it is the concern of this Government to look after the needs of the minor ports. It was necessary for the previous Government to earmark this particular fund for the development of the minor ports. Now it is no longer necessary. Not only the minor ports but all other matters of the people of this Province are the concern of the present Government. Instead of the welfare of the minor ports being a charge on that particular fund alone, it is now a charge on the entire revenues of the Province and it is open to any hon. Member to ask, if the improvement of minor ports is not attended to, whether it is not obligatory on the part of the Government to attend to the improvements of these minor ports. Therefore I fail to see where this question of breach of trust comes in.

“ The Government do not work in water-tight compartments. My hon. Friend, Sri Reddi Nayudu—I do not propose to call him by the English title of Sir—cannot say that the income from a particular department must be devoted for the welfare of that department alone. That is a worn-out theory of State. Whatever the theories may be regarding the previous Governments and the limitations of those Governments for the purpose of representing the people, you cannot apply the same theories to the present popular Government. Every matter relating to the welfare of the people is a concern of the State. My hon. Friend said that this was a question of trust and this was a question of the diversion of trust fund. He did not advert to the fact that there was such a thing as the doctrine of *cyprus*. So far as the present Government is concerned, Government money can be utilized for any Government purpose. As long as it is the concern of the Government, there is no question of separate compartments and earmarking of any money for a particular purpose; such a thing is no longer necessary under the new regime. In respect of the criticism about the balance, the hon. Member raised an emphatic protest against the inefficiency or the negligence of the previous Government. The existence of

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the balance shows one of two things. Either the previous Government were negligent and did not improve the ports or, the improvement of the ports was not necessary and the money was a superfluity. In either case the diversion of the balance of this fund from this ledger to the other ledger is perfectly justifiable and it is a routine matter. Because of the exigency of the law, this kind of legislation has become a necessity; therefore people should not be misled to believe that there is a question of the diversion of the fund or any misappropriation of the fund by the Government."

SRI B. NARAYANASWAMI NAYUDU:—" Mr. President, the first point that has been advanced in favour of this legislation is, there is a surplus in the Minor Ports Fund which is apparently useless and which therefore can be diverted to the general revenues. The first question is, is such a diversion justifiable; is it a correct position? The Government seem to think that this surplus is an idle surplus; it is an absolute waste and therefore the Government can divert this surplus. If it is lying waste, I think the Government have a right to seize it. But the question is, is it really lying waste? To my mind, it is not at all lying waste; it is really what may be called a reserve fund; for instance, it cannot be stated that gold is lying waste in the Reserve Bank; it is not lying idle; the real strength and the real prosperity of the Bank depend upon that gold which may be considered by some people to be lying idle. We have got the Electricity department; apart from the depreciation fund, they have provided a special fund of Rs. 5 or 6 lakhs; we cannot say that that money is lying idle. That is the basis and the whole transaction rests upon that basis. It is not diverted saying that it is an idle surplus; it is not a surplus on which you can lay your hands. For many years now you have been getting enormous revenues from electrical undertakings; yet it cannot be said that it is an idle surplus. As a matter of fact it passed my apprehension that the Government should say that a sum of Rs. 50 lakhs belonging to the minor ports is lying idle. As my hon. Friend, Mr. Reid, stated, the present Swarajist Government must be aware that a large amount of trade is carried on by the inland water-courses. Anybody who has seen the minor ports, can understand in what a bad state the ports are. It is sorry to note that the present national Government could not spend a sum of about Rs. 60 lakhs for the improvement of these ports; it was stated by the Hon. Minister, that dredging fees is one thing and the entry fees which is levied upon tonnage is another thing.

"The real question is whether the Masulipatam Port is really a good port. The Nizam's Government have been trying to get a sea-outlet for their products and they have been asking

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the British Government that they might be given a good seaport. The present National Government should improve such ports; this is what is done by every Government including the Totalitarian State like Germany. The National Government in this Province are trying to put their hands on this sum of Rs. 60 lakhs belonging to the minor ports. Even after setting apart a sum of Rs. 20 lakhs we have got a balance of Rs. 40 lakhs. To my mind it is most profitable to spend this money on the improvement of inland water-courses. You will stand to gain a large amount by improving these water-courses; it is a source of profit to you; it is absolutely impossible for me to believe that the National Government in this Province think that this sum of Rs. 58 lakhs is a superfluity and that they can take away Rs. 40 lakhs for some other purpose.

“There is another argument that this transfer is from one ledger to another ledger. It is absolutely wrong to say that this is a transfer of entry in the ledgers. If it is taken from one fund and put in another fund and kept there safely, then we can say that there is no transfer of the amount. Here it is proposed to take over the surplus of the fund and add it to the general revenues of the Province. This would not improve the funds of the minor ports.

“Another argument was advanced by Mr. Rangaswami Ayyangar. He asked ‘what do you care about this fund? Even if the Government take away this sum of Rs. 60 lakhs, against this sum, you have got Rs. 16 crores from which you can improve the ports. This sum of Rs. 60 lakhs is consolidated with the fund of the Madras Government of Rs. 16 crores every year. You are struggling against this transfer; you are lamenting over the transfer of these Rs. 60 lakhs to the Rs. 16 crores of the Madras Government.’ This is a spurious argument. I can only say this; if to-day you are asked to transfer your defence expenditure and put it alongside the defence expenditure of Great Britain, would you like it? They have got a consolidated fund of over millions of pounds. Your consolidated fund is only Rs. 16 crores. Would you like to merge your fund with the consolidated fund of Great Britain? It is dangerous to do so. You now propose to transfer the accumulated sum of Rupees 60 lakhs belonging to the minor ports, to the general revenues of the Province.

“You want a large amount of money to improve all the ports in the Province. Masulipatam is an important and first-class port; Mangalore also is a first-class port. Are the Government going to utilize the fund for the development of these important ports? Mr. Saldanha said that this is a question of misappropriation; it is a question of transferring Rs. 58 lakhs to the

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general revenues of the Province. There would be no objection if the amount is used for the improvement of the ports. The whole difficulty is this; this Government have got a deficit budget; they want to make money; direct taxation is thought to be perhaps difficult to impose; the Government have to transfer this money. There has been a big pit created; the only remedy left is to transfer this sum of Rs. 40 lakhs. As my hon. Friend, Sir Reddi Nayudu, said, the Government should not transfer this fund to the general revenues of the Province. The Bill says that the balance standing on the 31st day of March 1939 to the credit of the Minor Ports Fund in excess of Rs. 20 lakhs shall be credited to and shall be disposed of along with the rest of the revenues of the Province. Therefore there is no doubt about it; the Government are going to spend this amount. Many hon. Members have already asked the question and I wish to put the question again, what is the purpose on which you are going to spend this Rs. 40 lakhs? I can understand it if it was stated that this amount is going to be utilized for a special purpose. If the Hon. Mr. Giri said, 'I am putting up a programme for purchasing or making aeroplanes or zeppelins, therefore, I want this money,' then, we can say 'take the money for this purpose; the object is a precious one.' I can understand such a purpose and this House would agree with it. Or is it a case of a cyclone devastating the country? The Hon. the Revenue Minister might say 'I am unable to give all the money required to relieve the distress; therefore give me money'; I can understand that also. Or is it a case of an Asiatic Power bombing your ports? Then you must have anti-air raid precautions and therefore you want this money. Is there any indication given to any Member of this House as to the purpose for which this sum of Rs. 40 lakhs is going to be diverted? This House is asked to give permission to merge this sum of Rs. 40 lakhs into the general revenues of the Province. The question is, there is a deficit; how is it going to be made up? Without mentioning the purpose for which you want this money, you simply say 'permit us to put this money with the general revenues.' As my hon. Friend, Sir Reddi Nayudu, said, this is intended to fill up the pit, the prohibition pit; a deep pit is there. Let the State clearly put the question to the people, 'do you want prohibition or do you want the ports to go?' These are the two alternatives; if you want prohibition, then minor ports would not be improved.' The question may be put clearly and directly to the people; 'do you want prohibition to go or the minor ports to go?' For these reasons, I have no hesitation in opposing this measure."

* MR. S. J. GONSALVES:—"Sir, the principle underlying this Bill is to take away the special revenues earned by minor ports and to merge them in the general revenues of the Province.

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This principle seems to be a very pernicious one. It should not be accepted unless and until the Government are in a position to state that all the minor ports in this Province are kept in a very efficient condition. My view is that many of these ports are not at all in an efficient condition. The Hon. Minister for Public Works has said that there has been a surplus, because the ports do not know how to use the income earned. My submission is there has been a surplus because the previous Government thought that, if the money is saved, it can be utilized for the expansion and development of the ports themselves. This House will concede that the expansion and development of ports require very large sums of money and until these ports have in their hands, large sums of money, they cannot launch on a plan of expansion and development of the ports. Take for instance, the port of Mangalore; the Hon. the Minister for Public Works stated that it has a saving of Rs. 1,16,000. If the surplus amount is taken away from the Port Fund and merged in the general revenues of the Province, the Port of Mangalore will derive no benefit from its savings. I raise the question whether the port of Mangalore is not in a pitiable condition now. My hon. Friend, Mr. Saldanha, has drawn the attention of the House to the fact that the bar of Mangalore Port is at times only 5 feet deep; that port has no outlet to the sea for four out of twelve months in the year. Mangalore is one of the important ports on the West Coast. There are big industries like the tile industry and the coffee industry; coffee industry has been carried on for great many years and the want of an outlet to the sea has been in a way handicapping the coffee industry of Mangalore. There are several firms which have spent large sums of money on the establishment of large curing works; they suffer a great deal because there is no outlet to the sea during four months. The Government of Mysore have thought it necessary to have a curing factory in Chikmagalur. They have started a factory and the result of it will be that a good part of export trade that has been carried on for so many years through the port of Mangalore, will be diverted to the port of Marmagoa which is in the Portuguese territory. I must bring to the notice of this House the deplorable condition of the port of Mangalore; I would say that a sum of only Rs. 1,16,000 would not at all be enough to improve the port sufficiently. Unlike other ports in the West Coast, the port of Mangalore has got a backwater. If a sufficient sum of money is spent in deepening the bar and the necessary part of the backwater, outlet to the sea would be provided during the remaining four months of the year. This is a very necessary improvement. I submit that until and unless this improvement is effected to this port along with other improvements to other ports, this diversion of funds from the Special Minor Ports Fund to the General Funds of the Province cannot be

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justified. I would ask the Government to consider this point. I would appeal to the Government to make the necessary improvements to the ports requiring them, so that they can be brought up to an efficient condition. Until all the 54 ports are brought up to an efficient condition, I would appeal to the Government not to transfer this special fund to the general funds of the Province."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, I wish to crave the indulgence of the House for just a few minutes. The manner in which the various hon. Members have expressed themselves leaves me with this impression and I want their forgiveness if I frankly say that, their motives are excellent but it seems to me as if they have all misunderstood the principles which they have put forth and are trying to put them in such a way that the results will be just the opposite of what they want. It was more or less unanimously said that these ports should be improved, that our coastal trade should be improved and that the Province should stand to gain. But, it seems to me that they are ignorant of the fact that the coastal trade cannot be improved by merely beautifying the ports, and by merely increasing the expenditure on the ports. It would be as foolish to imagine that we can benefit by spending more and more money on the ports as it would be for the inhabitants between Arkonam and Madras to imagine that more people will arrive in the stations intervening if they improve the structures in the various railway stations in the way. Simply because we won't try to improve the ports, it does not mean keeping the reserve funds in the minor ports of the Madras Province increasing. Mr. Narayanaswami Nayudu referred to the fact that by increasing the reserve funds of these ports and going on borrowing more and more money for their improvement, we can improve the coastal trade of our country; it is simply a wrong notion to think so. I am surprised at it, but really I should not be surprised if with the same motives people take an entirely different view. We are all agreed that our Province should improve; that our Province should get the benefit of the trade in these ports, but what is the way to get at that? Is it by keeping Rs. 50 or 60 lakhs or even a crore, or, can it be by reducing the accumulated reserve in these minor ports funds? It has been tried by previous Governments and there are records to show that the previous Governments tried for the last so many years without even diverting a single pie out of these port funds, and even by levying a fee to be spent on the various ports, but they could effect only minor improvements met out of the landing and shipping charges referred to by the Hon. the Minister for Public Works. So, the previous Governments have tried to improve them and they have not succeeded. What then is in the

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way? This present Minor Ports Fund Bill has been understood by many hon. Friends to mean that we intend to raid this fund simply because there is a loss on account of prohibition—not any other misfortune, it does not matter—and that we are trying to make up. Are we so short-sighted as to imagine that by taking up this amount this year our business is finished? Surely, we are not so foolish; and even though we may be fanatics in the matter of saving people from drink, it does not mean that we forget the least arithmetic that we have learnt. If we take away this Rs. 50 lakhs this year to meet the deficit, where are we to go next year and thereafter if we are not going to withdraw prohibition? We may be fanatics, but we are not fools. The object of this Bill is much higher. It is to take the administration of these minor ports out of the department to which it is connected now. That is the principle of this Bill. The competition between port and port, the competition between the Central Government and the Provincial Government with regard to the sources of revenue and the competition not only of one port with another, but of all the ports, even big ports, all these are very delicate elements to be taken into account. If people wish to improve the trade of our Province, it is not by keeping money as a reserve, it is not by improving the particular structure or a wall at a particular place, that we can improve it. We must see that our coastal trade is improved. It has not been done hitherto. What shall we do for it? First of all, we must get an interest in this coastal business; we must get an interest and pay attention to these ports. Hitherto what has been done? And, what is the explanation why so much money has been allowed to accumulate? It is because the Central Government are not interested in this matter; it is because the big shippers are not interested in all the various 50 or 60 ports in the Province. Therefore we should look into this matter a little more deeply. We should look into this matter not merely superficially, not merely in the sense of diverting the reserve money; and I am not going to go further into this matter, but because the charge has been made repeatedly that we have been either foolish or simply wanting to raid this fund I rose to explain this. I would first of all make the matter clear as regards the motive in bringing forward this Bill. It is not a particular year's motive; it is not raiding; but it is simply for the purpose of taking the administration of these ports out of the rut and making it a real live part of the administration of the Province that it has been brought forward, so that every year when the budget of the Province is discussed, both the Houses will have an opportunity of knowing what has become of these ports, what is being done with this money and whether it is a distinct gain or not. It was said by the first hon. Member who spoke in this matter that everything was already settled. Most of the interests who are concerned with

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this subject—if I may use that expression, not with a deep meaning but with a superficial meaning—were represented in the Select Committee on the Bill and there was nothing that could have been said after the matter was thoroughly thrashed out in the Select Committee and in the other House, and this is an agreed Bill. It was said that the provision of Rs. 20 lakhs was not enough. It was as a sort of token of the mutual co-operation that we had secured that. It does not mean anything more than that. I may take the House into the secret and tell them that we wanted to put in Rs. 17 lakhs and fought for it, but instead you have Rs. 20 lakhs, not Rs. 17 lakhs; and it was rounded not on the wrong side but on the right side. The principle is, that it is a joint and single responsibility for the whole Province and the minor ports are part of the Provincial administration and looked after by the Provincial Government and the Provincial Legislature. It is in this sense that I want this House to give its agreement to this Bill.”

* THE HON. MR. YAKUB HASAN :—“ Mr. President, I must first thank the House and the Members who have spoken on this subject to-day for the courteous manner in which they have treated my proposal. The Opposition sometimes think that it is the function of the Opposition always to oppose. They are always on the look-out for an excuse to oppose the Government. Even if there was a very good proposal before them they sometimes oppose it for opposition sake. If they feel convinced, after explanations are given, that there is something good in the Government proposals, they must be prepared to support them too. I can understand a measure being opposed on certain principles. In that case criticism is welcome. I must also thank Mr. Reid for paying me compliments, which I very much appreciate. I want one thing to be made clear to the public as well as to Members of both the Houses, that as far as I am concerned, I am anxious that these ports should play a more important part in the development of the trade of the Presidency than they have played hitherto and if any improvements are necessary towards that end, I shall fight for them and try my best to bring them about. I have given that assurance in the other House and I give that assurance here also.

“ Mr. Reid said that from the way the Government are handling this question, it would appear to him that the Government want to make the ports a source of income, and a source of revenue. I do not wish to go into that matter at length. I do not see there is any harm in making the ports a source of revenue. However, I do not wish to enter into that aspect of the matter now. But, as far as this Bill is concerned, I want to point out to him only one thing. The object of the Bill that was introduced

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by me originally, was that all balances from time to time standing to the credit of the Minor Ports Fund shall not be accumulated beyond a limit of five lakhs and any sum now in excess or which may hereafter be in excess of five lakhs in the said fund shall be credited to the revenues of the Province. If that Bill had not been amended the balances would have automatically gone to the general revenues of the Province, which meant that in every year's Budget a sum would have been shown on the revenue side as the balance that may be expected in that year from the Minor Ports Fund. But since then the Bill has been so amended in the Select Committee that the Ports Fund cannot be a constant source of 1-15 revenue. The present Bill says in Clause 3 that 'the balance p.m. standing on the 31st day of March 1939 to the credit of the Minor Ports Fund in excess of twenty lakhs of rupees shall be credited to and shall be disposed of along with the rest of the revenues of the Province.' So, the present fund that has accumulated, after keeping aside a sum of Rs. 20 lakhs, goes to the general revenues. Mr. Reid said that if this is to be done only once, he does not mind so much, but that it should not be made a precedent for the future and that ports should not become permanent sources of revenue. His idea is probably that if they become permanent sources of revenue, the Government will try to raise the port dues as much as possible and try to add as much as possible to the balance in this ports fund, so that it might be possible to take large balances to the general revenues every year. I may tell him that even if, according to the original Bill, the ports had to become regular sources of revenue, Government would not have been so foolish as to administer them merely with a view to benefit the general revenues. After all, the normal income of these ports and their normal expenditure are such that every year there is not likely to be more than a lakh and a half of surplus, and even out of that one and a half lakhs, we will have to spend some amount in giving grants to Landing and Shipping Committees for the improvements of these ports. For the present it is only the balance standing to the credit of the fund on the 31st of March 1939, after deducting twenty lakhs, that is going to be credited to the general revenues. But in regard to subsequent years, this is what the amended Bill says:

'Such portion of the balance standing to the credit of the Minor Ports Fund on the 31st day of March in the year 1940 or in any subsequent year, as the Provincial Government may, with the approval by resolution, of the Madras Legislative Assembly, determine, shall be credited to and shall be disposed of along with the rest of the revenues of the Province.'

"So, in the subsequent years, the Government may or may not desire to divert such accumulations, or whenever they want to, they will have to go before the Legislative Assembly to get its approval for such diversion. Therefore, balances in future will

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not accumulate to any very great extent, because, as I have shown, after the necessary expenditure, there may not be any appreciable surplus; and the occasion will seldom arise when the Government will have to go to the Assembly for its approval for the transfer of any amount to the general revenues.

“ Sir, I admit that ports would have become a source of revenue if the Bill as originally introduced had remained unamended; but under the amended Bill balances cannot be diverted automatically every year to the general revenues. I therefore think, Sir, that the amended Bill will go a long way in creating confidence in the public mind that the Government's intentions are nothing more than what I have already stated.

“ Sir, when members of the Congress Party were in the opposition, we were of course criticizing the Government of the day for their sins of omission and commission; but now that we form the Government, we do not display any bad taste and attack the past Government in any act of theirs. On the other hand, there have been occasions when we have supported the acts of the previous Government and stated that we would also continue to do the same; but still we have made clear on many occasions that we are no admirers of the previous Government. But in this case, I am in the happy position to say that the previous Government never neglected these ports. They have now and then laid down that when surpluses have accumulated in this fund and money is available, it should be spent for the benefit of the ports as far as necessary; and all schemes that were brought forward during their time for the improvement of these ports were accepted, except those which were found to be not feasible. And even those schemes which were occasionally rejected were rejected on very good grounds. Mangalore was referred to and Masulipatam also was referred to during the discussions; and Mr. Saldanha was very very angry that while I visited many districts on many occasions, I went to Mangalore or South Kanara only once. He wanted to make out that not only the previous Government neglected these ports but the present Government also neglected them, and that the Minister in charge of Ports has been guilty of such neglect. Now, Sir, let me tell him that I have visited other districts principally in the interests of irrigation, but I visited South Kanara—and it is the only district that I have visited for this purpose—for the sake of its ports only. Sir, I have studied the case of the Mangalore port. I am now in a position to say that I know the requirements of Mangalore port much better than even Mr. Saldanha himself and I know exactly what is required there. It was said by Mr. Gonsalves that Mangalore has got a backwater and if that backwater is always kept clear of silt accumulation, many foreign-sailing vessels could enter the port. I agree with him. The question of dredging came before the Government more than

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once and Government gave it full consideration every time; and as a result of it, a suction dredger was sanctioned by the Government. A suction dredger was considered to be quite enough for the purposes of that port. There was no doubt a proposal to have a sea-going dredger; Government examined that proposal but they turned it down—not because there were no funds available. There were enough funds at that time, but the past Government thought that it was not absolutely necessary to have a sea-going dredger for that port. As a matter of fact, there is a proposal even now before the Government for the purchase of a sea-going dredger at a cost of four lakhs and it is under examination. And it is suggested that a sea-going dredger may be utilized for other ports also, and that suggestion is being seriously examined.

“ In an answer I gave to a question in this House you will find that there are two or three schemes in connexion with Mangalore; and I may particularly assure Mr. Saldanha that the needs of Mangalore will receive the fullest attention and that no justifiable expenditure will be considered too high to make it more efficient than now. It was also stated that because there is the backwater, this port can be made into a good harbour. Yes, if we spend about three crores of rupees over it, we can make it a good harbour; but let us remember the difference between a minor and a major port. Major ports are harbour ports, and the administration of such major ports are taken away by the Central Government, under the Government of India Act of 1935. That was wrongly done. The Central Government had no business to take over such ports under their own administration. After all, such a port as Vizagapatam has not so far been a success under the Central Government's administration and it is doubtful whether it will ever be a success. Therefore, Sir, I don't think Mangalore should desire to become a major port or a harbour; and as a minor port, it can serve a better purpose than a harbour.

“ The same hon. Member made a reference to the port of Masulipatam; and in regard to that also, as in the case of Mangalore, I can assure the hon. Member that the requirements of Masulipatam will receive the best attention of the Government.

1-30 p.m. “ My hon. Friend, Mr. Narayanaswami Nayudu, asked why all the accumulated balances should be taken over to the general revenues, why cannot all the funds be spent away on ports? I may tell him that the balances have accrued not because the Government had been niggardly in spending money. They have accumulated little by little over a period of thirty-three years. Every year a sum of about one and a half lakhs was going towards it and it has come to the present level. The same thing will continue hereafter also and surpluses will remain there but they will not be taken over to the general revenues every year. Government may come to the Legislature later saying ‘ We have spent so

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much; we have attended to all the requirements of the ports and yet so much is available. So please allow us to take it to the general revenues.' At that time, you may generously say 'Yes' or emphatically 'No'. I contend that it is a legitimate act of ours to remove the unwanted part of the fund to the general revenue. Some of the hon. Members opposite attack the prohibition policy of the Government and they say that the Government have been very foolish in throwing away so much revenue. The Government have several proposals of taxation under consideration to make up the loss of revenue on account of prohibition and the public will have to pay for the benefit that they would derive from prohibition. So Government are anxious to take this money. But let me tell them that it is not because the Government want money that they are taking this surplus. On the other hand it is because there is no use for it that it is being taken to the general revenue. All the available money is not actually required for purposes of improving the ports. When a major portion is not required for that purpose and when neither we nor the previous Governments have been niggardly in the matter of spending it, it is but just that we should take over the balance to the general revenues. Even hereafter, there is bound to be surpluses accruing in the fund. If it ever happens that there is no balance in the fund, the Government are there to come to the help of the ports and whatever money would be required will be found from the general revenue."

The motion was put and carried and the Bill was taken into consideration.

The Council adjourned for lunch till half past two.

After Lunch (2-30 p.m.)

Clause 2.

Clause 2 was put and carried.

Clause 3.

SRI B. NARAYANASWAMI NAYUDU :—" I beg to move—
'In line 3, for the word "shall" the word "may" shall be substituted.'

"It will be seen that in the clause it is stated that the balance 'shall' be credited to and 'shall' be disposed of along with the rest of the revenues of the Province. It is a mandate that whatever might be the circumstances of the fund, they shall do it and they shall spend it. On the other hand it will be wise to leave it to the discretion of the Government to take such portion of the fund as may be necessary, leaving the remaining amount intact. As the clause stands at present, it

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is a mandate to take everything that remains in excess of Rs. 20 lakhs, whether it is necessary or not. Therefore I propose that the word 'may' may be substituted for the word 'shall'."

Sri Rao Bahadur M. Ramakrishna Reddi seconded it.

* THE HON. MR. YAKUB HASAN :—" If the Bill had remained as originally introduced, there would have been some meaning in amending the clause in the way in which it is now sought to be amended. In the original Bill it was laid down that every year whatever balance remains in excess of five lakhs shall automatically go to the general revenue. In that case an amendment of this kind would have had some meaning. But now the balance in excess of 20 lakhs that may be available only on the 31st March 1939 will be transferred. Thereafter no balance will automatically go to the general revenue, but a resolution will have to be placed before the Assembly. I therefore oppose the amendment."

The amendment was put and lost.

Clause 3 was put and carried.

Clause 4.

SRI B. NARAYANASWAMI NAYUDU :—" I beg to move—

" In line 1, after the word " balance " the words " in excess of 20 lakhs of rupees " shall be inserted."

" In the original Bill it is said that a sum of 5 lakhs of rupees shall stand to the permanent credit of the fund, but under this new Bill while a balance of 20 lakhs of rupees is left on the 31st March 1939, on March 31, 1940, such portion of the balance standing to the credit of the Minor Ports Fund as may be determined by the Provincial Government shall be absorbed into the revenues of the Province. If the principle is to keep a permanent fund of Rs. 20 lakhs, then the question is, what will be the balance that might be credited on 31st March 1940? For instance, on 31st March 1939 a balance of Rs. 20 lakhs will be left and this will be taken over to the next year. If during the next year or during any of the subsequent years the net balance is 10 or even 12 lakhs, then according to this provision, the Government will have power to take away even from this 10 or 12 lakhs. If the principle of the Bill is to keep always a permanent fund of 20 lakhs whether there are repairs existing or whether they are carried out or not, then provision should be made that only such portion of the balance exceeding 20 lakhs might be taken over, and in order to ensure that permanent fund, these words ' in excess of 20 lakhs of rupees ' should be

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inserted. The result of this clause as amended by the Select Committee is that we do not have even the guarantee of 5 lakhs in this fund. Therefore I propose that this amendment may be accepted."

Sri Rao Bahadur N. R. Samiappa Mudaliyar seconded it.

* THE HON. MR. YAKUB HASAN:—"What is the object of keeping a balance in the Port Fund? That must be understood first. Now we are keeping 20 lakhs of rupees to the Port Fund, because there are certain proposals for certain improvements to be made. Therefore some money must be kept there to carry out such proposals as may be found necessary. But after those proposals have been carried out, we come to a position when no more proposals would remain to be carried out and even then you want 20 lakhs to remain there. According to Mr. Narayanaswami Nayudu that 20 lakhs must remain always there. I say, why? Why should that amount remain there? Is it because in future there may be other improvements necessary? There are no other proposals for improvements. Then why should so much money remain in the fund?

"In the original Bill, we wanted 5 lakhs to remain there. The reason why we fixed 5 lakhs was this: Our income for one year is 5 lakhs and our average expenditure for one year is $3\frac{1}{2}$ lakhs, leaving a surplus of $1\frac{1}{2}$ lakhs. So we said let one year's income, namely 5 lakhs, remain there to meet the necessities, if necessities arise. There was some object in keeping 5 lakhs, but there is no object in keeping 20 lakhs always permanently.

"Again, the question of determining the portion of the balance to be transferred, will come before the Legislature, and it will then be open to you to say what portion shall remain behind. But you cannot say that a sum of 20 lakhs should be permanently kept there. The question of what is the amount that should be kept there will arise when the Government will move next time for the transfer of the amount. The Legislature will then decide what amount should remain there. It may be 20 lakhs, or 10 lakhs or 5 lakhs. Whatever it is, it will have to be decided by the Legislature then only. So I oppose this amendment."

The amendment was put and lost.

SRI B. NARAYANASWAMI NAYUDU:—"I beg to move that—

'In line 5, after the words "the Madras Legislative Assembly" the words "and of the Madras Legislative Council" shall be added.'

"My amendment seeks to add the Madras Legislative Council along with the Madras Legislative Assembly when the question of determining the amount to be transferred comes up for consideration. I really do not understand why it was not done

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even in the Select Committee. But I suppose this House is not going to deprive or efface its own powers. Therefore I propose this amendment for the acceptance of the House."

Sri Rao Bahadur N. R. Samiappa Mudaliyar seconded it.

* THE HON. MR. YAKUB HASAN:—"According to the constitution, all financial matters are disposed of by the Legislative Assembly only. The annual Budget and other things of that sort, go only before the Assembly and they do not come before the Council. In the same way, according to the constitution, this question too cannot be brought here. It must only go before the Assembly. Therefore I oppose this amendment."

The amendment was put and lost.

Clause 4 was then put and carried.

Clause 1 and the preamble were put and carried.

* THE HON. MR. YAKUB HASAN:—"I beg to move—

'that the Bill be passed into law'."

The motion was put and carried and the Bill was passed into law.

III.—THE MALABAR TEMPLE ENTRY BILL, 1938 (L.A. BILL No. 21 OF 1938), AS PASSED BY THE ASSEMBLY.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, I beg to move—

'that the Bill to remove the disabilities of certain classes of Hindus in regard to entry into temples in the district of Malabar (L.A. Bill No. 21 of 1938) as passed by the Assembly, be taken into consideration at once.'

"In moving it, I do not wish to take up much length of time. I come for the blessing of this House of Elders for a measure which is fraught with great importance in all aspects of national life. It is not merely a particular district measure; it is not merely a particular department for improvement. It may seem to be only a measure in respect of a particular district; it may seem to be only a measure for allowing a few more people into an institution which is looked upon by most of the worldly-minded people as almost a right to close it for others. But, Sir, it is in the conviction that it is not a parochial matter but ultimately a matter of utmost national importance, not merely a matter dealing with any particular institution but a matter that will affect life as a whole in our country, that I ask for the blessing of this House for this measure.

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"In the course of the discussion, points will be raised, either in the general discussion or by way of amendments, which will need explanation from me, and if they are called for, I shall make a few remarks. But, at present, speaking broadly, I can only say that although it is a stale matter of grievance the remedy is yet to come. Therefore we may act seriously and purposely. It is not a matter of a word here or a word there or an amendment here or an amendment there but it is a matter which involves and demands the solid resolution of all classes of the people in a spirit of utmost patriotism and mutual co-operation. I move, Sir, for the consideration of the Bill and I hope that this House will at once take it into consideration and proceed to pass it into law."

2-45
p.m.

SRI B. NARAYANASWAMI NAYUDU:—"Mr. President, I raise a point of order, that the Bill is not in order by reason of sections 99 and 100 of the Government of India Act. The lists provided for in section 100 do not mention the subject of temples. The only item in the List of Provincial Legislation is number 34 which mentions only endowments and not temples. Therefore it is a subject not in the lists, either the Provincial or Concurrent or Federal list. What is to happen if a subject is not provided in any list is provided for in section 104 which requires that the Governor-General may empower either Legislature to enact the law, by public notification. In the absence of any such notification and seeing that the subject of temples is not in the lists, I submit this legislation is not in order."

THE HON. SRI C. RAJAGOPALACHARIAR:—"I only wish to submit, Sir, that this point has been raised and discussed before. The point that is raised is that temples as such are not included in any of the lists and that endowments alone have been included and that therefore this Bill is not within the competence of our Legislature and therefore of this Chamber. The other Chamber has dealt with the point but that is nothing. It is open again for any Member of this Chamber to raise the point. I submit the point is not correct. There is need for the amendment of the Hindu Religious Endowments Act which has been passed by this Legislature and this is specifically referred to in one of the clauses of this Bill. If reference is made to the report out of which these schedules issued, it will be seen that reform and change in respect of this very matter was contemplated and expressly considered to be peculiarly fit for the Provincial Legislature to dispose of. The literature on the subject is available to all Members and I need not take up the time of the House any further on that. This matter was quoted and was read by the Speaker if I am not mistaken. There was express reference to this question of reform on social and religious matters and they were definitely considered peculiarly fit for the Provincial Legislature. Hence they were not put down in the Central schedule. It is not as if the wisdom

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of the Parliament of England led to the conclusion that the Governor-General alone can legislate with respect to social or religious matters of this kind, and that neither the Provincial Legislature nor the Central Legislature will have the right in this matter. I need not labour the point further. I submit there is no force in the point of order raised."

MR. J. A. SALDANHA:—"I raise, Sir, another point of order from the point of view of another section of the Act. The section I want to refer to is section 298. It consists of two parts; I shall read the whole—

'(1) No subject of His Majesty . . . shall on grounds only of religion, place of birth, descent, colour . . . be prohibited on any such grounds from acquiring, holding or disposing of property or carrying on any occupation . . .

'(2) Nothing in this section shall affect the operation of any law which . . . or recognizes the existence of some right or privilege or disability attaching to members of a community by virtue of some personal law or custom having the force of law . . .

"First of all there is a right on the part of the higher class people to exclude the depressed classes. That is by custom. The members of the higher class are for a long time accustomed to exclude the people of the lower caste. Then there is also the disability which is attached to the depressed classes who are excluded from the temples. Therefore from both points of view, under this section this Bill is *ultra vires*. I do not dilate further upon it. The section is very clear and I do not know whether this was referred to in the Assembly. I did not read the debate on the subject. I may be excused if I am wrong.

"The other point is this: we are not under the ordinary canons of interpretation of a statute entitled to look into the literature. We must take the law as it is. The words mentioned in the Concurrent list or the Provincial list are only religious endowments, that is to say, endowments of property attached to the temple and not the temple itself. Entry into the temple is a religious matter and no law can be made, which will interfere with the religious rights of the people. It is a fundamental principle of the Government of India Act and of the Government in British India, that no right of a religious matter can be interfered with. Neither the Government nor the Legislature have got the right therefore to interfere with the autonomy of caste in religious matters or in internal religious affairs. That is the point of view with regard to the argument urged by my Hon. friend to look into the literature. You must take the Act as it is, the list as it is. I think that it is for that purpose that this section has been deliberately embodied, that is, the internal administration, the religious autonomy of a community by custom or law ought not to be interfered with. Therefore I submit, Sir, that this Bill is *ultra vires*."

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THE HON. SRI C. RAJAGOPALACHARIAR:—"As the first point has been again referred to by Mr. Saldanha, I only want to say this with reference to the repeated argument that he is well aware that even ceremonials in our temples have become subject-matters of disputes in courts and adjudications and decrees in courts. The whole of the property is dealt with rightly by the courts. The temple itself and the land on which it is situate are also part of the endowments of the temple and therefore entry into such temples and the enjoyment of such places relate to property. All this certainly form part of property and fall within the jurisdiction of courts as well as the laws and therefore can be dealt with by the Legislature as well as by the Judges. It is impossible to construe section 298 in the manner suggested. Clause (1) of the section says:

'No subject of His Majesty—I am leaving out some words— . . . shall be prohibited on grounds of religion, place of birth, descent, or colour or any of them from acquiring, holding or disposing of property or carrying on any occupation, trade, business or profession in British India.'

"If at all, you can say from this sub-section that even without this legislation the persons who are sought to be excluded can come and say we cannot be excluded under the Government of India Act. Sub-section (2) therefore protects the existing law:

'Nothing in this section shall affect the operation of any law which . . . recognizes the existence of some right, privilege or disability attaching to members of a community by virtue of some personal law or custom having the force of law.'

"Sub-section (2) does not say no law shall be made which shall hereafter affect or enlarge; all that it says is that the general law laid down in sub-section (1) does not cancel the existing laws or rights with respect to these. Hence, the necessity for a Bill of this kind. It is therefore clear that section 298 does not rule out any legislation whatsoever; it merely gives a general charter of equal treatment for all and limits it by existing laws. Therefore this section does not apply at all. As for the point of Mr. Nayudu, that the omission of any words as to religion makes this Bill ultra vires, the words 'religious endowment' should include within its scope the introduction of this Bill. I submit, therefore, Sir, that neither point of order is right."

MR. PRESIDENT:—"I have consulted legal opinion and I am armed with legal advice. I rule out the point of order."

DR. SIR K. V. REDDI NAYUDU:—"I rise to give expression to my whole-hearted support to this Bill. It serves a long overdue reform. Unfortunately the previous Governments could not interfere in these religious matters on account of a promise made by the late Queen Victoria in whose proclamation the statement has been made very rightly that the Government would not interfere and should not interfere in religious matters. But, Sir,

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3 p.m. now we have got provincial autonomy and self-government and as such this is the proper time and I think it is the duty of the Members of this House to congratulate Government on this excellent reform. Under the guise of that Proclamation several reforms which should have been introduced long ago have been put off. Speaking on this matter of temple-entry, Mr. President, I may mention here that while I was in South Africa, when I raised an objection to a practice which was prevailing there, namely, the practice of having a separate congregation for Euro-Christians and a different congregation for the Indian Christians, the answer readily came forward, 'Would you allow the depressed classes in your country to enter into your temples?' I had no answer to give except to bow down my head in shame. That shame has been removed to-day.

"It is unnecessary, Mr. President, to refer to the various arguments that are in favour of this Bill. Hinduism has ceased to be a religion for those people, whom you have prevented from entering into the temple of God. It is impossible to conceive of a greater shame than that a member of the same religion should have been prevented from entering into temples. I do not therefore propose to repeat the arguments that can very easily be advanced. I would certainly say this: on the day on which the upper classes in Hindu society prevented a section of their own co-religionists from entering temples, the downfall of this country was doomed, and its doom was sealed. To-day, an attempt is made, an honest attempt is made to remove this great wrong. True, I would have very much wished that the wider Bill which my esteemed friend, Mr. Rajah, introduced in the Lower House had been passed. True, I would very much wish that this Bill is a little wider than what it is to-day. True that that the Hon. Minister in charge of the Bill could have extended the right of vote, when the right of entry is to be decided, to all the voters of that locality and to the depressed classes. These are no doubt defects. But as one who has always advocated progress by stages I do not think I should take serious objection to the present Bill. The old saying goes, 'Hasten slowly,' 'festina lente' has the Latin proverb. And let us hope that as time advances not only will the operation of the Bill be extended to other districts and to other areas, but that the right of voting on the question of entry would be extended to the depressed classes as well; and what is more, the time may not be far off when without any such elections the Government would bring forward a Bill which would give the community, which would recognize as the birth right of our co-religionists, the right to enter into these temples as well as any body else.

"Mr. President, I do not claim to support this Bill on the ground that I am a social reformer. I am a devotee myself of a

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particular temple in my native place in Rajahmundry. There was never a day, when I did not attend that temple, whenever I happened to be in my place, Rajahmundry. And as such my co-religionists will believe me when I say that I honestly think that this is a reform long overdue, that I honestly think that we should have admitted these people much earlier than this day; and when the opportunity has arrived, let us grasp it with all the enthusiasm we can command. The Hon. the Prime Minister asked us to give our blessings to this measure. Well, Sir, there were occasions and there were persons who would deny the right to bless. (Laughter.) I do not claim it. But you may take it from me, it is not a blessing; it is the arm of God that His mercy has extended to our fellow-countrymen."

SRI RAO BAHADUR M. RAMAN:—" Mr. President, Sir, it is with a certain amount of diffidence and disappointment that I rise to make a few observations on the Bill before the House. Any attempt, however, imperfect and small to remove inequality among men and to allow them equal opportunities in the performance of their social and religious duties must be welcome to every one who has the interest of his country at heart. It is in that spirit that I view the Bill and submit my observations.

"I unhesitatingly support this Bill, although I feel a Bill of this kind should go much further. A very large section of our Hindu community has been for centuries made patiently to suffer ill-treatment and although Hindus in faith, they have been denied by Hinduism that respect which is the elementary right of every human being. Their touch, contiguity, shadow and sight are deemed to be polluting. They are not allowed the freedom of life not denied even to a dog. Over seven millions of our own people have thus been practically kept out of religion and society. As is usual in our country, this ill-treatment is ascribed to Sastras, Vedas and Meemamsa, thus disarming opposition. Other people who cannot claim better refinement and higher morality and who are considered even as a pest of society have a recognized place in Hindu society and are free from the stigma that is the lot of this class of our fellowmen. Their exclusion from temples has no parallel in any other religion. The treatment of this class of people appears to be especially bad in South India. As was said by Swami Vivekananda some years ago, the super-arrogated excellence of birth of any caste in India is only pure myth and in no other part of the country has it found a more congenial soil than South India—and let me add that in no other part of South India has it found a more congenial soil than in Malabar. There, even a Nayar cannot come nearer than six paces to the Nambudri; a Thiyya cannot come nearer than 36 paces; and an Adi-Dravida cannot come nearer than 96 paces, that is,

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nearly half a furlong. The Avarnas, while going along roads and footpaths, have to go on shouting to prevent caste Hindus from coming within the polluting distance. I have not the time nor you the patience to enter further into this extraordinary system of oppression. And it is here that the Act will operate now. You are all aware that attempts at legislation have all failed in the past through the violent agitation of the orthodox Hindus. The present half-hearted and halting measure is evidently a concession to orthodoxy. While we expected a Bill more comprehensive and bold, you see one completely anæmic and lifeless. The limitations in the Bill are likely to be very prejudicial to the cause of rapid and successful realization of the reform contemplated. Limiting it to one single division is a handicap. Entry into temples scattered over different districts would have had much of cumulative effect and would give such impetus that the reform will become popular soon. Selection of Malabar is no doubt a matter of pride to us, the sons of that soil; but it is doubtful if it is a wise step. If the framer of the Bill had real faith in what has been done by the gracious act of the enlightened Maharaja of Travancore there was no need to waste time, in a kind of experiment in another part of Kerala. Having excluded the family temples and private temples, entry could have been enforced in all the public temples all over the Presidency, or, at any rate in Malabar, as was done in Travancore. The Bill ought to have been made compulsory and not permissive. When the object is to remove an age-long blot and disgrace on the Hindu community, permissive legislation has no place.

“ The Bill is applicable only to temples with an annual income of not less than five thousand rupees, and these are probably only about 47 or 48 in number. What about the other temples? It would look strange if the excluded classes are allowed entry in a few big temples, but are shut out of smaller temples. Therefore the exclusion is unnecessary and unwise. It would give a wrong impression to the people concerned that the legislators themselves are hesitating. Avarnas are not allowed to vote at the referendum. This is not only unjust but is an insult to them and to their self-respect. There is on the whole the appearance of a kindly gift from the caste Hindus, whereas they claim it as a matter of natural right, their very birth right. I have been wondering what the Government would do next if in the next two or three years one or two temples are opened to the Avarnas in Malabar. What about other districts?

“ I shall sit down after making one or two remarks in the shape of an appeal to my caste Hindus of Kerala. I appeal to them to brush aside Vedas and Meemamsa for the moment if they are

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obstructive to the reform; let them follow the spirit of the times. As long as the Avarnas remain as Hindus, treat them as Hindus on perfectly equal terms. If you are not prepared for it, do not try to detain them in your fold by false hopes and philosophical excuses. Leave them to chalk out their own plans for their future. In your own interest and in the interest of your religion be fair to a class who have wonderfully stuck on with a loyalty and faith all to their credit. Let my friends in Malabar also remember the wise utterances of the illustrious sons of Kerala, of Sri C. Sankaran Nair, Dr. T. M. Nair, Rama Ayyar and Ullur Parameswara Ayyar. Mr. Parameswara Ayyar is an orthodox man, a great poet and a great writer and a distinguished son of Kerala; and he said on the 12th December 1932—that is almost exactly six years ago—I thought this Bill would be moved on the 12th of this month—that Vedas and Sastras did not object to a reform of this kind and he quoted various authorities in support of his statement. Therefore, follow the good example set by these and a host of other eminent men and win that glory that will be yours when this is done!"

SRI B. NARAYANASWAMI NAYUDU:—"I rise on this occasion not for the purpose of saying that this Bill should be opposed, but for the purpose of saying that it is absolutely inadequate; and I say most advisedly that it is inadequate and unworthy of the tradition of the Congress Party to which the hon. Members opposite belong. The one fundamental thing necessary with regard to the national reconstruction of India is Harijan absorption; it is not a question of Harijan uplift; it is a question of Harijan absorption; that is the real, fundamental, core of the problem. This problem of Harijan absorption has not been undertaken. The Harijans are the man-power of the land; they are the main man-power in India; and so far nothing has been done to take up that man-power; no attempt has been done to utilize that man-power; and it is nothing short of criminal folly not to have done that till now. Now the question is, whether Harijan absorption has been attempted in the right manner. I say, it has not been done and that for one simple reason set out in the preamble of the Bill. This is what the preamble says—

'And whereas it is just and expedient that these doubts should be removed and the trustees should be empowered by law to extend to all classes of Hindus the right of entry into, and worship in, temples if the Hindus in the locality who are now entitled to such entry are generally in favour of such extension.'

"Is the question of Harijan absorption still in balance? Is it still to be settled by a Hindu electorate as to whether they are to be absorbed or not? Is it still a question for debate as to whether they are to be absorbed or not? I do submit that it has been solved already. It has been solved politically when we said

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that we do not want separate electorate but that we want only joint electorate. In fact it is Gandhiji that made the fast when separate electorate was proposed. If in a political field you had agreed to state that the Harijans belonged to us, that they cannot be separated from us, that we must have joint electorate and otherwise it is impairing national solidarity, if that is the attitude with regard to the Parliamentary Committee report, is it right for you to say now that we will put the question to vote? Is it right to say that they shall not be one with us so far as religion is concerned? Is that the programme of the party? Is it a programme justly to be adopted hereafter? Is it not a fact that in regard to the Local Boards Act Dr. P. Subbarayan said that they are part of the Hindu society. It is an accepted political maxim. Therefore I say what is the meaning of Government saying in this Bill that if you put it in the first instance in the Malabar district, some people will vote for it and some people will vote against it, and the question will have to be decided by votes? If prohibition programme is necessary, this is more necessary because it is a question of the man-power for which you are asking Swaraj. Throw open the temples in Malabar. See what people say and then if it is found feasible extend it. That is the policy of evolution. That is progress step by step. When you have asked for joint electorate it is unworthy of the traditions, it is unworthy of the nation which stands for elections. As for prohibition programme, it is not an experiment. It is a first step in the programme. Even supposing caution is needed, why not bring an Act applicable to Malabar and then extend it to the other districts according to the consensus of public opinion? Is it the first step or an experiment? Is not the prohibition programme before you as a guide? Make it compulsory in one district and optional in other districts. You have got full Governmental powers. I do not see the reason for this provision. Therefore the Bill is absolutely unworthy of the traditions and therefore I do hope they will not stand on the technical side, and say let us go back to the Assembly. Let them accept an amendment and take away the question of elections altogether because it is absolutely too late to say we will go back for elections in the matter."

SRI RAO BAHADUR M. RAMAN :—" I am seconding."

MR. PRESIDENT :—" There is nothing to second."

* SRI D. MANJAYYA HEGDE :—" I have got a difficult task to perform here, to oppose this Bill."

MR. PRESIDENT :—" The hon. Member will please raise his voice."

* SRI D. MANJAYYA HEGDE :—" The amount of support the Temple Entry Bill has received in the other House and the

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general attitude of the House, on this side and the collective opinion I received from the temple-going people who are not in favour of this Bill in my constituency on the other side makes my position embarrassing. I am not speaking for the sake of opposition. Because I am a representative of the constituency, I feel it my duty to express their view. It is all right to say that we are all equal before God. Probably from the philosophical point of view there is no distinction between man and man. God is not affected by the entry of this man or that. Nor is it right to say that God is present only within the four walls of the temple. Philosophers do not have the need to go to any temple for their worship. God is in their heart and they can worship him better there than in temples. This philosophy holds good to all great religions. But we are not all philosophers. The question is not one of philosophers. From the social point of view things are different; we are given certain regulations and laws to observe, which we are bound to obey from time immemorial and we are accustomed to such usages and habits and we cannot get out of them suddenly. Our temples and other religious institutions are merely creatures of Agama rules which are laid down in our Shastras. But in the initial stage of our spiritual development we are given to observe certain rules of conduct. But as long as we respect such rules we have no reason to override them. But if you feel necessary to go according to the spirit of the time and to change our customs and conduct according to the trend of world forces I think it is better to move the religious heads who only are competent enough to bring such changes. Then only it will have a peaceful evolution in our customs. By all this I do not mean that you must not help the excluded classes in their progress. For this we must try our best to uplift them both economically and socially by contributing money and other means. For this the Government can legislate to get money from the high caste people. Getting votes from Assembly voters as provided in this Bill means not even 10 per cent of the people who go to the temples. For these reasons I am not in favour of the measure proposed."

* SRI K. MADHAVA MENON:—" Mr. President, it is really gratifying to us the people of Malabar that we have been given an opportunity to clean ourselves of that name 'the land of the lunatics' which Swami Vivekananda gave us. It is more or less a myth now that untouchability is found in its worst form in Malabar. As my hon. Friend Mr. Raman pointed out various castes and sub-castes could be picked out. But they are only handful and practically untouchability is not observed except in temples. It has taken shelter only in temples and no where else. It will be made possible by the help of this Bill to drive it out from the temples also. Then it will be of help to the other districts

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in the Presidency. Certainly objections with righteous indignation were raised by my hon. Friend Mr. Narayanaswami Nayudu. I want to answer one or two things mentioned by him. Government were so considerably eager in introducing the Prohibition Act. If they feel really enthusiastic why don't they pass a Bill compulsorily throwing open these temples. The answer is obvious. In the one case the object of the Bill was to close down the shops. In the other case the object is not to close down but to throw open. That is the reason why they are not using force for forcing temple entry down the throats of people. The result may be calamitous. Mr. Narayanaswami Nayudu raised another point—perhaps it was another hon. Member—why do you restrict the votes to caste Hindus alone? why not give the votes to all Hindus including the depressed classes? It cannot be done, because, to do so will be an act of hypocrisy. There will be no meaning in taking a vote in regard to this matter in Malabar, because in Malabar the non-caste Hindus, people who are not allowed to go into the temples, are much more numerically than the caste Hindus and we know what their opinion is on this question. So where the non-caste Hindus are numerically double the caste Hindus, there is no meaning in taking a vote upon the question whether they should be allowed to go into the temples. The more honest course will be to accept the suggestion of Mr. Narayanaswami Nayudu and open the temples without any vote. There is, therefore, no meaning in saying that vote should be given to all Hindus. Our object is to take the caste Hindus with us, if possible to convert them to the view that the Harijans ought to be allowed entry into the temples and that their exclusion is a thing which is against religion. (A voice: 'Votes need not be given to all'.) Some hon. Friends have been made to believe that there is a considerable opinion in Malabar against this Bill, that popular opinion is not ripe for a Bill like this, and that various people have sent memorials and representations to Members in this House saying that this Bill ought not to be allowed. I may assure these friends that the opposition to this Bill is insignificant in Malabar. There are some men, particularly some orthodox Nambudris headed by the Raja of Kollengode, saying that the people in general are against it. It is not so. We have proved it by a referendum in Ponnani taluk taken when the Congress was not in power and when there was no machinery, no organized machinery, for taking it. The non-official agency that took this referendum showed that about 75 per cent of the caste Hindus recorded their votes voluntarily in favour of allowing entry to Harijans in temples, and that was in Ponnani taluk where the greatest temple in Malabar, the Guruvayur temple, is situated. The bogey created by some rich landlords and interested persons against this Bill should not deceive anybody. Genuine opinion in Malabar is not

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against this Bill. I can vouch for it. One need not have any fear about the success of this measure in Malabar. We have guaranteed to the Premier before he thought of this Bill for Malabar that we could get it through without difficulty and I hope and maintain that there will be no difficulty over this Bill in Malabar."

* SRI RAO BAHADUR N. R. SAMIAPPA MUDALIYAR:—
"Mr. President. I rise to give my hearty support to the Bill in the view that something is better than nothing. I do not want to say more on this subject now. I am glad to hear Mr. Madhava Menon saying that there will be no difficulty in giving effect to this Bill in Malabar though I was told quite the opposite by some of my friends. I wish him success in his attempt to make the measure a success in his district."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, I must thank the Leader of the Opposition for giving his warm approval and encouragement for this work. I am more thankful even for his statement that this is a very mild proposal. When I go to his own native district I can now claim any amount of support from him. (Rao Bahadur N. R. Samiappa Mudaliyar: 'Certainly.') When this comes into operation in that district, the strength of this statement of his will enable the work to succeed beyond doubt. I know that his support is not a matter which can be lightly valued. I am also glad at the indignant extremism, if I may say so, displayed by my hon. Friend, Mr. Narayanaswami Nayudu, whose help we shall want when we go with this measure to certain other parts of the country. I hope that this heat and this passion will remain at that same level at that time. (Sri B. Narayanaswami Nayudu: 'I am sorry.') I must ask leave of him, Sir, to say that I did not understand what it is that he told me. He is very angry with the nation. He is very angry also with the Congress Party. The Congress Party has already decided it. Gandhiji has already fasted for this. Why you come and ask us for opinions and votes and so on? I am at a loss to understand what he wants me to do. Are we to say, we do not want the Bill; we shall go and open the temples? Is that what he wants me to do? (Sri B. Narayanaswami Nayudu: 'Not at all.') Does he propose that I should move a measure here which, without asking for the opinion of the House, says that as soon as this Bill receives the assent of the two Houses and of the Governor, the temples shall be opened and that if they do not open, Mr. Narayanaswami Nayudu and I go and open the temples and carry on. I am unable to understand. That is why I am putting it in this way. (Sri B. Narayanaswami Nayudu: 'The trustee shall open it.') The trustee shall open it! Mr. Ramalingam Chettiyar was just now telling me his doubt about the opening of temples. He even doubted the

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reference to the Government. If the trustee does not do so, what do you propose to do and I asked him a similar question. The word 'shall' is not a formula for the opening of temples like the formula 'sesame' in the Arabian Nights. We must have the temples opened. It is necessary, when we are dealing with human institutions, with institutions depending upon the co-operation of many men at the same time—these institutions are not like the rubber-stamp where if a peon is asked to put a stamp, the stamp is seen on the paper—when dealing with human institutions where men have to co-operate with their hearts, with their intelligence and with their bodies and their spirit and all at the same time in a manner which, were the slightest pressure put, would make the procedure useless, that we should be extremely careful. Where everybody has to carry on according to forms, according to precedent and according to custom, and not only that, everybody has to feel that everything has gone on according to custom—and if anybody feels that anything has gone wrong, it is looked upon as a useless thing—in institutions of this kind, it is no use saying that even after Gandhiji has fasted, and even after so many years of talking, it is unnecessary to divide the people for opinion on this matter.

"Sir, my hon. Friend has been most contradictory in his indignation. He says this will divide the people. Have we not enough divisions in panchayat elections. Of this I have no doubt he has much experience. Have we not division everywhere? Why do you want this further division? Now, what does that indignant argument mean? It means that the people are divided over it. If that is so, if the people are divided over this, does he want me to order by compulsory legislation, by somehow wheedling these two Chambers to agree to compulsory legislation, the opening of these temples and thus go and divide the people not on the legislation but on the opening of temples? What will division on the opening of temples with compulsory legislation mean? Division of heads and not division of votes. I am surprised at a very commonsense man, if I may use a bad grammatical expression, a very commonsense Member of this House tendering this advice gravely. Perhaps the indignation, which is quite justifiable in this matter, is responsible for a little bit of forgetfulness. I can quite understand anger, but I cannot understand the grave advice given to the Mover of this Bill to give up the idea of asking people and to steer through a compulsory piece of legislation. This is not a matter which can be disposed of in that manner at all. Because I belong to the creed of the Congress, because this matter has been, so far as we are concerned, finally disposed of, I ventured to bring this measure, even without putting it before the people to get a mandate before the elections. Some people were asking that we should place this before the

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people, get a mandate and then alone bring this measure. Mr. Narayanaswami Nayudu was telling us that so far as the Congress Party is concerned, this is disposed of. He is perfectly right. That is the reason why we come with this measure even though this has not been specifically placed before the people. But that argument is carried beyond its legitimate scope and degree when Mr. Narayanaswami Nayudu says that there is no reason to ask anybody about it and that the thing can be done by simply issuing a proclamation in the same manner as the Maharaja of Travancore did. I wish, Sir, that this Government, composed as it is of me and a few others, had the power constitutional as well as moral to issue such a ukase to the people and get it done. If we had quite half of the people here and in the other House, quite half of the leaders of society such as Mr. Narayanaswami Nayudu certainly is, guaranteeing to us that they will carry through such a compulsory measure, even as the dictators the world over are carrying things through in Europe, nobody will be gladder than myself in accepting such help and in carrying it through. But it is impossible, it is not possible to get the temples opened in that manner. If we are convinced and if we feel so strongly about it, then we feel the responsibility of it. If I could make an indignant speech and criticise a measure, I could make it even more highly pitched than was the speech of Mr. Narayanaswami Nayudu. But since we have to be responsible for getting the thing through, since it is our heart's desire to get it done and not merely to improve in language or in form, since it is our essential programme that this has to be achieved and not merely talked about, all the moderation that has been put in the Bill comes to exist. If I had no responsibility about it, I would certainly have no objection to frame it in the most extremist form that Mr. Narayanaswami Nayudu can adumbrate just now and perhaps improve upon it also. But Sir, it is the seriousness of purpose that explains the comma, the bracket and the semicolon in this measure. It is the irresponsibility of Mr. Nayudu—if he will permit me to say so—that is responsible for the indignation, the wrath, and the entire absence of common-sense which surprised me, to-day in his speech. He has been remarkable throughout his speeches in this House for the very careful manner in which he gives advice, but to-day he seems to have forgotten his usual manner or I do not know what is responsible for it. He has in his criticism—I hope he will forgive me for making these remarks about his criticism in this way—really missed the fact that I am serious and earnest in my statement. Otherwise, I would have been very glad to accept his advice.

“Then, Sir, with regard to the other remarks made by Mr. Raman to the effect that the Bill does not go far enough and that it is not comprehensive enough, I can only repeat what I said

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before, viz., that it is not in the wording of the Act that any defect lies, but it is in the caution that we have to take that any defect lies. After all, these cautions and these precautions only must succeed. If we succeed in Malabar, even in two or three places, I can assure my hon. friend, Mr. Raman that it will ensure all the temples in India being thrown open to Harijans. Sir, this measure has nothing to do with property or anything of that kind. This is a measure which deals with superstition, which deals with custom and not with mere property. Therefore I would submit that a thing done to Harijans is a thing done for all Hindus. But if Mr. Raman believes that Malabar is a difficult place for working this Act, then I submit that we should be glad for having taken up Malabar and *a fortiori* it will be easily done in other places. Therefore his remarks do not apply here. If two or three friends have assured me before and now, that this reform could easily be carried out in Malabar, where is the need to make it compulsory or introduce it in all districts? The success of the reform does not merely consist in the measure being made compulsory. It is not merely a gamble of dice. So we took the advice of our friends in Malabar and found that it is a good ground to introduce this measure in the first instance. We have moderated our demands, we have moderated our tones, and we do not want to frighten our opponents. We want to take them on as much easy terms as possible and not simply talk of big things, but doing little.

“ Then, it was said that it is against self-respect to exclude Harijans from this voting. I would submit there is reason behind this. It is also consistent with the doctrine of persuasion under which this Bill is framed. My friend, Mr. Narayanaswami Nayudu, referred to Gandhiji's fasting and his statement that all the caste Hindus should be made to throw open the temples to Harijans and that we should respect his word. True, we must respect that doctrine, and you may depend upon it that we have not rejected that doctrine. But in this case we thought that caste Hindus should be made to agree of their own accord. It is not by compulsion, it is not by overloading the dice and it is not by including the excluded classes that you get the reform. You must make the included classes to vote of their own accord. Then alone the temples can be said to be opened in a proper form. Otherwise it is not temple entry; it is merely a temple capture. That is why we proposed to give the votes to people who are now in the enjoyment of the temples. The exclusion of the excluded castes from the referendum is a step in the right direction. This is the fundamental principle of Mahatma Gandhi in respect of this matter. He wants to go even further. So far as secular matters in the temple are concerned, we cannot go into that question very effectively. Whether the people are temple-goers or whether they

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are trustees, all of them are entitled, according to existing practice, to take part in the worship within the temples, and all of them are allowed franchise. So, there is no question of self-respect involved in allowing only the included castes to vote. I submit that if the excluded castes remained patient all along, they have now also to remain patient on account of the fact that they have got devotion towards caste Hindus which entitles them to go into the temples; and it is better for the excluded classes, if the caste Hindus themselves invite them (the excluded classes) rather than we use secular powers in the Legislature. So I think there is nothing derogatory in the Bill or against self-respect in not allowing the excluded classes to vote. I think all the points raised come to nothing. If we are earnest about our purpose, we shall achieve our object in the fullest sense of that term, viz., the removal of untouchability and all other disabilities that are now prevalent in regard to temple entry, etc. We shall achieve our object if everybody is warm in the actual execution of his duties as every one is in regard to the substance of the Bill. I particularly thank Sir K. V. Reddi Nayudu for his warm and unqualified support to this measure.

"Sir, one other matter that I wish to refer to is this: Mr. Hegde while referring to this matter has claimed that this Bill is wrong on its merits. He says that we should not pass this Bill to-day. I submit that it would be suicidal not to adopt this measure. So far as the Hindu religion is concerned, what is the good of the opposition which Mr. Hegde represents? What is the good of that opposition if the whole world recognizes that these excluded classes, the Harijans, belong to Hindu religion but if they are left unrepresented in our own country and disliked by our own people as not fit to enter temples? I submit that it is unwise and suicidal for the orthodox people to stand against this measure now."

The motion was put and carried and the Bill was taken into consideration.

Clause 2.

Sub-clause (4).

SRI B. NARAYANASWAMI NAYUDU :—"I beg to move the amendment that stands in my name as follows:—

'Delete the words "which is open to the bulk of the worshippers" occurring towards the end of sub-clause.'

"The reason for this amendment is obvious. What I have in my mind is that certain places in temples are reserved as exclusive sacred places and even the caste Hindus cannot enter them. My submission is that this should not be so. Of course, it may be

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necessary to say that on account of want of accommodation only four persons or three persons could be accommodated in a particular place. That is a different thing from saying that you cannot enter a particular place. Is it democracy to believe that a particular part of the temple should be thrown open only to certain people and not to others? Therefore, I move my amendment."

* SRI RAO BAHADUR M. RAMAN:—"I second the amendment."

* THE HON. SRI C. RAJAGOPALACHARIAR:—"Sir, Mr. Narayanaswami Nayudu has explained very clearly that some of the portions of the temple are considered so holy and sacred that nobody is even allowed to enter them and he wants all such portions should be opened under this Bill not only for the excluded classes but for the first time even to the included classes. I have nothing to add to what I said in regard to his extremism to-day. It seems as if he is determined to be most unreasonable in all matters concerning this Bill. I cannot accept the amendment."

The amendment was put and lost.

Clause 2 was put and carried. Clauses 3, 4, 5, 6, 7, 8, 9, 10 and 11 were put and carried.

Clause 12.

SRI B. NARAYANASWAMI NAYUDU:—"In view of the amendment that I propose to move under clause 1, sub-clause (1), viz., 'to omit the word "Malabar" and substitute the word "Madras"', I request that clause 12 may be taken up later. If my amendment to clause 1 (1) is accepted, then my amendment to clause 12 will only be a consequential amendment. So I request that clause 12 may be taken up after clause 1 is passed."

THE HON. SRI C. RAJAGOPALACHARIAR:—"The proper thing would be to put clause 12 first."

Clause 12 was put and carried.

Clause 1.

MR. PRESIDENT:—"The question is that clause 1 do stand part of the Bill."

(At this stage Mr. B. Narayanaswami Nayudu rose to move his amendment under clause 1 but was not allowed to move it as he did not move the amendment under clause 12.)

THE HON. SRI C. RAJAGOPALACHARIAR:—"Obviously there has been a mistake. Mr. Narayanaswami Nayudu has withdrawn all his amendments to clause 2, but he apparently intended

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to move his amendment to clause 12 and also his amendments to clause 1, i.e., to the title and the preamble, because he wanted to convert the word 'Malabar' into 'Madras'. Therefore the proper procedure would have been to have dealt with the amendment of Mr. Narayanaswami under clause 12 first. If that amendment had not been accepted, then he would have withdrawn his amendments to other clauses. Therefore amendment to clause 12 should have been put first."

MR. PRESIDENT:—"Yes, yes, clause 12 was already put. But he did not move his amendment."

SRI B. NARAYANASWAMI NAYUDU:—"Yes, yes. I do not quarrel over that small matter now. I know what the fate of my amendments would be."

Clause 1 was put and carried.

4 p.m.

The preamble was put and carried.

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I move that—

'the Bill be passed into law'."

The motion was put and carried and the Bill was passed into law.

IV.—MOTION *RE* AMENDMENT TO SCHEDULE V TO THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920.

THE HON. SRI B. GOPALA REDDI:—"Sir, I beg to move—

'That the following draft of a rule proposed to be made by the Government of Madras under section 305 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920) amending Schedule V to that Act be approved:—

Draft Rule.

"In clause (o) of the said schedule, the word 'the' occurring before the words 'wholesale trade' shall be omitted."

"Though this is a simple and verbal amendment, it has been brought forward because of a decision against the Calicut Municipal Council, given by the Revenue Divisional Officer there. So, the Government have thought it fit to delete the word 'the' before the words 'wholesale trade.' The motion may be accepted by the House."

The motion was put and carried.

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V.—LEGISLATION BY THE CENTRAL LEGISLATURE FOR THE REGULATION OF CERTAIN MATTERS IN RESPECT OF DRUGS AND MEDICINES ENUMERATED IN THE PROVINCIAL LEGISLATIVE LIST.

* THE HON. DR. T. S. S. RAJAN :—“ Sir, I move—

‘ That this Council do resolve that it is desirable that—

- (1) trade and commerce within the Province in drugs, medicines and biological products,*
- (2) the production, supply and distribution of drugs, medicines and biological products,*
- (3) the adulteration of drugs, medicines and biological products,*
- (4) fees in respect of the matters mentioned in clauses (1) to (3),*
- (5) inquiries and statistics for the purpose of the matters mentioned in clauses (1) to (4),*
- (6) offences against laws with respect to the matters mentioned in clauses (1) to (5), and*
- (7) jurisdiction and powers of courts with respect to the matters mentioned in clauses (1) to (6),*

which are among the matters enumerated in the Provincial Legislative list, should be regulated in this Province by an Act of the Central Legislature.’

“ In moving this resolution, Sir, I wish to state that in the year 1930 the Government of India constituted a Drug Enquiry Committee which, after an extensive tour of the various parts of the country, formulated a report and presented it to the Government of India. In that report, the adulteration of drugs that are imported into this country is exhaustively dealt with; it deals with legislation to prevent the import of adulterated drugs into this country. Since then the Government of India had been devoting much thought to this matter. Last year, legislation was introduced in the Central Assembly to prevent adulteration and importation of adulterated drugs into the country. This Bill was referred to a Select Committee. While the Select Committee was considering the Bill, it was brought to the notice of the Government of India by various organizations and Provincial Governments that the Bill was very incomplete and that mere prevention and importation of adulterated drugs will not improve matters. Therefore they thought they must have an extensive measure which will take into account not only the adulteration of imported drugs but also adulteration of drugs manufactured locally.

“ The second point that was urged against that Bill was that, if imported drugs are certified when they are brought here and

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when they are put forth in the market for sale, it confers undue advantage of preference to the imported articles over the indigenous articles manufactured locally, for the indigenous drugs cannot hold the certificates of purity under the clauses of that Bill. Therefore Provincial Governments, medical organizations and associations and pharmacies wanted a more comprehensive Act. But according to the Government of India Act of 1935, prevention of adulteration of indigenous drugs manufactured in this country became a Provincial subject. Therefore the Central Government could not take action unless Provincial Governments empowered them to do so, on their behalf. Already, more than two or three Provincial Governments have accepted that position and have passed suitable resolutions in their Legislatures and have communicated their resolutions to the Government of India. We are certainly following the same procedure in this Province. The acceptance of this position does not in any way take away the powers of the Local Government with regard to the control of these drugs in this Province. Section 103 of the Government of India Act, 1935, says as follows:—

‘If it appears to the Legislatures of two or more Provinces to be desirable that any of the matters enumerated in the Provincial Legislative list should be regulated in those Provinces by Act of the Federal Legislature, and if resolutions to that effect are passed by all the Chambers of those Provincial Legislatures, it shall be lawful for the Federal Legislature to pass an Act for regulating that matter accordingly, but any Act so passed may, as respects any Province to which it applies, be amended or repealed by an Act of the Legislature of that Province.’

“Therefore even if the Central Government passed legislation with regard to this matter with the concurrence of the Provincial Legislatures, it does not deprive the right of this Legislature to either amend or even repeal that Act of the Central Legislature, if the former so desires. But in conformity with the general wish of those that are interested in the prevention of adulteration of drugs, it has been thought fit that all-India legislation is necessary in this matter. Therefore this resolution wishes to embody the united wish of this Legislature to the effect that the Central Legislature might enact suitable legislation which will deal not only with the importation of adulterated drugs into this country but also prevention of adulteration of drugs in this country. This legislation will give equal preference and equal certificate to drugs imported into the country and drugs locally manufactured; so, the competition between the imported drugs and those that are locally manufactured will be on a par. It is only with that object this resolution has been brought forward. There has been no controversy about it. This resolution has been considered to be important and necessary and is welcomed by the organizations concerned. I therefore move this resolution and commend it for the acceptance of the House.”

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* SRI K. VENKATASWAMI NAYUDU:—"Sir, I think this is a measure which is long overdue in this country. It is well known that imported medicines that are coming to our country, are not of the proper standard. Particular drugs that are imported into our country, are not of the usual standard. Therefore it is very necessary that such a legislation should be passed. Secondly there are a number of medicines manufactured in this country itself and it is said that they are of a high standard; they are not really of the British Pharmacopœia standard. Poor patients would suffer a great deal, if the drugs are not of the standard quality and if medicines are not properly dispensed. For these reasons it is very necessary that such a legislation should be passed.

"I do not know why the Central Legislature should pass the legislation. Why not we have a Provincial Act? In Bengal they are manufacturing some drugs peculiar to the conditions of Bengal; they may not be suitable to the conditions in Madras. Conditions in the various Provinces may be different. I think a Provincial Act which would cater to the needs of Madras would be much better. But the Hon. Minister has stated that the Government of India has asked for our opinion for an All-India Bill on the subject. He also said that we have got the privilege of adopting that Act when passed or amending it, if necessary, to suit our conditions. Then it will be really useful to our Province. For instance, Bengal has produced many concerns on the Chemist's line; we are starting some concerns in this Province. Unless we give some encouragement to the drugs produced in this Presidency, it will not be possible for the chemical industry to thrive here. These things should be taken into consideration when a Bill is drafted. The general consensus of opinion is that such a legislation is very necessary in the interest of the public at large. But it should suit the conditions of each Province; to that extent each Province must be given the liberty of amending or altering the Bill, to suit its conditions; with these words, I support the resolution."

* MR. A. RANGASWAMI AYYANGAR:—"Sir, it is not to oppose the resolution that I rise to speak. But I have a doubt; if you leave the power of legislation to the Central Legislature as it is now constituted, I fear that there would be discrimination in favour of particular kinds of medicines as against Indian medicines. That is the doubt that I raise. I hope the Provincial Government will see that no discrimination of any sort is made; if such a resolution is allowed to be passed by the Central Legislature, I hope the Provincial Government will see that sufficient safeguards are put in, to prevent any kind of discrimination being made against Indians."

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* THE HON. DR. T. S. S. RAJAN:—"Sir, there is apparently a misapprehension in the mind of Mr. Venkataswami Nayudu with regard to this legislation. Legislation relating to the prevention of adulteration of imported drugs, can be undertaken only by the Central Legislature; the Madras Government cannot legislate on the matter of excise duty, etc., which is under the jurisdiction of the Central Government. Therefore, it is necessary that the Central Legislature should pass this legislation.

"With regard to the fear of my hon. friend, Mr. Rangaswami Ayyangar, there is absolutely nothing to be afraid of. The Central Legislature is expected to pass a uniform measure which will apply to all the Provincial Governments, not only to this Province but also to other Provinces. Even if such a legislation is passed, it is open to this Legislature either to repeal that legislation or amend it if necessary; we have inherent powers to do so. Therefore, his fear is absolutely unfounded. If we allow the Central Legislature to pass this legislation and if we find it defective or unsuitable or adverse to our interests, it is open to us to say that we do not want that legislation. We have got inherent powers to amend it, if any amendment is necessary. Neither of the two objections raised need be taken notice of seriously, because they are not really objections."

The resolution was put and carried.

VI.—MOTION *RE* AMENDMENT TO SCHEDULE IV TO THE
MADRAS CITY MUNICIPAL ACT, 1919.

THE HON. SRI B. GOPALA REDDI:—"Sir, I move—

'That the following draft of certain rules proposed to be made by the Government of Madras under sub-section (3) of section 347 of the Madras City Municipal Act, 1919, (Madras Act IV of 1919), altering Schedule IV to that Act be approved.

'The rules hereby made shall be deemed to have come into force with effect on and from the 1st April 1938.

Draft Rules.

'(1) To rule 2 of the said rules, the following provisos shall be added, namely:—

"Provided that in every case where there is an enhancement in the assessment the commissioner shall also cause intimation thereof to be given by a special notice to be served on the owner or occupier of the property concerned:

"Provided further that in every case where a special notice is required to be served on the owner or occupier under

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p.m.

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the first proviso, the period of thirty days and fifteen days referred to in clause (b) shall be calculated from the date of service of such special notice."

(2) *In sub-rule (1) of rule 6-A of the said Schedule, the following words shall be added at the end, namely:—*

"or, in a case where a special notice is required to be served on the owner or occupier of the property under the first proviso to that rule, on the first day of the half-year following that in which such special notice is served on the owner or occupier of the property."

"Sir, by this we are only restoring the position that was in vogue before 1936. This proviso was in the City Municipal Act prior to 1936 and by some reason or other it was omitted in the amending Act of 1936. On the request of the Corporation of Madras itself we are moving for the inclusion of this proviso. Now, what happens is that whenever there is an enhancement in assessment, the practice is that it is announced in the papers and the actual owner or occupier of the property takes note of it from the announcement in the newspapers and pays the enhanced rate. According to this amendment we seek to ask the commissioner that wherever there is an enhancement in the property tax, he should give notice to the occupier or owner of the property so that if he wants he can prefer an appeal in time to the commissioner. I therefore request that the amendment be approved."

The motion was put and carried.

VII.—RULES UNDER SUB-SECTION (2) OF SECTION 74-A OF THE
MADRAS LOCAL BOARDS ACT RELATING TO MADRAS LOCAL
FUND ASSISTANT ENGINEERS SERVICE.

THE HON. SRI B. GOPALA REDDI:—"Sir, I move—

'That the draft rules^a proposed to be made by the Government of Madras under sub-section (2) of section 74-A of The Madras Local Boards Act, 1920 (Madras Act XIV of 1920), be approved.'

"As these rules run over five or six printed pages, I hope I need not read them, because they have been before hon. Members for a long time. (Rao Bahadur N. R. Samiappa Mudaliyar: 'Only for a number of days and not for a long time.')

It has been circulated within the prescribed period and so it is a sufficiently long time.

"I may say, Sir, that there has been a clamour for a long time that we should provincialize the service of assistant engineers of local boards and even as early as 1919 it was thought that

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before the district engineers' service was provincialized the assistant engineers' service should be provincialized. So far about 20 district board engineers were provincialized, but for various reasons the question of provincializing the assistant engineers was not taken up till now. Last year the District Board of Chingleput, Saidapet, passed a resolution requesting the Government to provincialize the service of assistant engineers also. At their request, we made a reference to all the district boards and I may be permitted to say that out of thirty-two boards that have replied, only four have voted against provincialization and as I said on a different occasion yesterday, there are assistant engineers in the same district serving for a long time for over 20 years and we could not transfer them to any other district; and their grades and scales of pay vary from district to district. In certain districts like Tanjore they were recruited straightaway on Rs. 350 and in Chingleput on Rs. 150 though their qualifications are the same and the work done by them are also the same. So, in order to regularize the service and standardize their scales of pay and to give them transfers whenever needed this amendment is brought forward. This was also brought up at the specific request of the engineers themselves made year after year at their conference for the provincialization of their service.

"I request, Sir, that the draft rules be approved."

THE HON. SRI B. GOPALA REDDI:—"Sir, I move the following amendment that stands in my name, namely:—

'Add to clause (iii) of sub-rule (1) of rule 6—

"or such other age as may be notified by Government from time to time, either generally or for particular communities."

"Sir, this is an amendment which was subsequently moved in the Assembly and accepted by the Government because it was felt that in the case of Muslims, scheduled castes and other such communities, preferential treatment in the matter of age should be given and so they wanted that it should be fixed at 32. We accepted the amendment by taking power to fix the age for those communities as circumstances may require. To-day it may be that Muslims, scheduled castes and some other communities require preferential treatment with regard to recruitment in service. but in course of time it may perhaps be not needed and there would be no necessity for Government to give preferential treatment for them. So, we thought this would be elastic enough to empower the Government to fix the age-limit for different communities from time to time. I hope this would be accepted."

The amendment was put and carried.

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THE HON. SRI B. GOPALA REDDI:—"I move the following amendment standing in my name, namely:—

'Draft rule 17 shall be renumbered as sub-rule (1) under draft rule 17 and the following shall be added as sub-rules (2), (3) and (4):—

"(2) The prescribed authority may censure, or withhold increments from, any member of the service for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct. He may also suspend temporarily from duty members of the service for any serious offence or misdemeanour pending a report of the case to, and the decision of, the Government thereon.

"(3) No member of the service shall be removed or dismissed except by the Government.

"(4) An appeal shall lie to the Government against any order of punishment imposed by the prescribed authority except an order of censure."

The amendment was put and carried.

THE HON. SRI B. GOPALA REDDI:—"I move, Sir—

'that in the said rules, wherever the word "Muhammadan" occurs, the word "Muslim" be substituted.'

"This was moved by an hon. Member in the other House and it was accepted by the Government. The reason for it, he said, was that the word 'Muhammadan' was not a happy term and that those who follow Islam should be named Muslims. The amendment was accepted by Government. I move that it may be accepted here also."

* SRI A. RANGASWAMI AYYANGAR:—"Though I do not object to the amendment, I would like to know the difference between 'Muslim' and 'Muhammadan.'"

* THE HON. SRI C. RAJAGOPALACHARIAR:—"I will explain it afterwards." (Laughter.)

The amendment was put and carried.

MR. PRESIDENT:—"The question is that—

'the draft rules proposed to be made by the Government of Madras under sub-section (2) of section 74-A of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920) be approved.

The motion was put and carried.

The Council then adjourned to meet again at 11 a.m. the next day.

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APPENDIX I.

[Vide answer to starred question No. 83 asked by Khan Bahadur T. M. Moidu Sahib Bahadur at the meeting of the Legislative Council held on the 13th December 1938, page 99 supra.]

Statement showing the list of newspapers and periodicals which prisoners are allowed.

I.—A AND B CLASS PRISONERS WHO ARE LITERATE IN ENGLISH.

(a) *Daily newspapers.*

- | | |
|-------------------------|----------------------|
| (1) The Times of India. | (3) The Madras Mail. |
| (2) The Statesman. | (4) The Hindu. |

(b) *Magazines*

- | | |
|---|--|
| (1) The Times of India, Illustrated Weekly. | (11) The Times (London). |
| (2) The Windsor Magazine. | (12) The Contemporary Review. |
| (3) The Strand Magazine. | (13) The Review of Reviews. |
| (4) The Daily Mirror. | (14) The Fortnightly Review. |
| (5) The Graphic Magazine. | (15) The Current History. |
| (6) The Capital. | (16) "Headway" published by the League of Nations Union, London. |
| (7) The Indian Economic Review. | (17) The Manchester Guardian. |
| (8) The Mysore Economic Journal. | (18) The Christian Herald. |
| (9) The Planters' Journal of United Planters' Association of South India. | (19) The Sunday Companion. |
| (10) The Indian Review. | (20) Church of England Magazine. |

II.—A AND B CLASS PRISONERS WHO ARE NOT LITERATE IN ENGLISH.

(a) *Daily newspapers*

- | | |
|------------------------------|---|
| (1) Dhinamani (Tamil). | (4) Andhra Patrika or Andhra Prabha (Telugu). |
| (2) Mathrubhumi (Malayalam). | (5) Mushir-i-Da'ccan (Urdu). |
| (3) Prabhat (Kannada). | |

(b) *Magazines.*

(i) Malayalam.

- | | |
|-------------------------------|-----------------------------|
| (1) Kerala Patrika .. Weekly. | (3) Satyanadam .. Weekly. |
| (2) Mitavadi .. " | (4) Co-operator .. Monthly. |

(ii) Telugu.

- | | |
|-----------------------------|------------------------------|
| (1) Ravi .. Weekly. | (5) Ananda Bodhini. Monthly. |
| (2) Ryot Patrica .. " | (6) Arogya Prakasika. " |
| (3) Swatantra .. " | (7) Grihalakshmi .. " |
| (4) Samadarsini. Bi-Weekly. | (8) Sudha .. " |

(iii) Kannada.

- | | |
|--------------------------------|---|
| (1) Vrittanta Patrika. Weekly. | (8) Vikata Vinodhini. Monthly. |
| (2) Mysore Star .. " | (9) Rangabhumi .. " |
| (3) Kurubara Patrika. " | (10) Sahitya Parishat Patrika. Quarterly. |
| (4) Arogya Chandrika. Monthly. | (11) Prabuddha Karnataka. " |
| (5) Vinodaranjani .. " | |
| (6) Kathanjali .. " | |
| (7) Subodha .. " | |

(iv) Urdu.

- | | |
|-------------------------|--------------------------|
| (1) Novjavan .. Weekly. | (2) Safina .. Quarterly. |
|-------------------------|--------------------------|

(v) Tamil.

- | | |
|--------------------------------|-----------------------------------|
| (1) Hindu Nesan .. Weekly. | (8) Karpagam .. Monthly. |
| (2) Arogya Deepikai. Monthly. | (9) Chenna Sahodaran. " |
| (3) Amrita Guna .. " | (10) Srimath Valmiki Ramayanam. " |
| (4) Chintamani .. " | (11) Manikkodi .. Fortnightly. |
| (5) Jagan Mohini .. " | (12) Kalaimagal .. Monthly. |
| (6) Sri Ramakrishna Vijayam. " | (13) Vijaya Bharathi. " |
| (7) Viveka Bodhini .. " | (14) Zamin Ryot .. " |
| | (15) Kathanithi. |

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II.—A AND B CLASS PRISONERS WHO ARE NOT LITERATE IN ENGLISH—*cont.*(b) *Magazines*—*cont.*

(vi) Oriya.

- | | | | |
|--------------------|------------|-------------------|------------|
| (1) Pallibasi .. | .. Weekly. | (3) Prajabandu .. | .. Weekly. |
| (2) Rayet Sakha .. | | | |

III.—ALL CLASSES OF PRISONERS.

- (1) The Howard Journal—Weekly (Tamil, Telugu and Malayalam).
 (2) Ananda Vikatan—Weekly (Tamil).
 (3) Chitra Gupta—Fortnightly (Telugu).
 (4) Sanjayan—Weekly (Malayalam).

APPENDIX II.

[Vide answer to starred question No. 93 asked by Sri P. Veera-
 bhadraswami at the meeting of the Legislative Council held
 on the 13th December 1938, page 104 supra.]

*Statement showing the action taken on the applications of
 municipal councils for sanction for reduction of the rate of
 tax on bicycles.*

Serial number and name of municipal council.						Action taken.
1	Chingleput	..	..	..	..	Sanctioned.
2	Dindigul	..	..	..	..	Do.
3	Erode	..	..	..	..	Do.
4	Madura	..	..	..	..	Do.
5	Negapatam	..	..	..	..	Do.
6	Tiruppur	..	..	..	..	Do.
7	Tiruvannamalai	..	..	..	..	Do.
8	Trichinopoly	..	..	..	..	Do.
9	Tiruvarur	..	..	..	..	Do.
10	Chidambaram	..	..	..	..	Do.
11	Sa daret	..	..	..	..	Do.
12	Coimbatore	..	..	..	..	Do.
13	Srirangam	..	..	..	..	Do.
14	Conjeevaram	..	..	..	..	Do.
15	Guntur	..	..	..	..	Do.
16	Karur	..	..	..	..	Do.
17	Cannanore	..	..	..	..	Not sanctioned.
18	Chicacole	..	..	..	..	Do.
19	Chirala	..	..	..	..	Do.
20	Cuddalore	..	..	..	..	Do.
21	Ellore	..	..	..	..	Do.
22	Mayavaram	..	..	..	..	Do.
23	Palghat	..	..	..	..	Do.
24	Srivilliputtur	..	..	..	..	Do.
25	Tanjore	..	..	..	..	Do.
26	Vaniyambadi	..	..	..	..	Do.
27	Vizianagram	..	..	..	..	Council advised not to reduce the rate of tax.
28	Virudunagar	..	..	..	..	Not sanctioned.
29	Udipi	..	..	..	..	Do.
30	Bellary	..	..	..	..	Do.
31	Salem	..	..	..	..	Do.
32	Tuticorin	..	..	..	..	Do.
33	Tiruppattur	..	..	..	..	Do.
34	Vellore	..	..	..	..	Do.

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APPENDIX III.

[Vide answer to unstarred question No. 24 asked by Sri D. Manjaya Hegde at the meeting of the Legislative Council held on the 13th December 1938, page 110 supra.]

AGRICULTURAL RESEARCH STATION, KASARAGOD.

1. The garden of Sri B. Amrita Rao, vakil, Kasaragod, was visited and information regarding the manuring of coconut seedlings and the pruning of sapota plants was supplied.

2. A garden of Sri Aiman of Padi village, five miles away from the station, was visited at his request and advice regarding regular cultivation, systematic searching for beetles and manuring the trees with green-leaf manure and ash was given.

3. A garden of Sri Krishna Bhat, vakil, Kasaragod, who reported that some of his seedlings had died and wanted his garden to be inspected was also visited. In the garden white-ant attack was diagnosed. Sri Krishna Bhat was advised to add crude oil in irrigation water.

4. Sri R. S. Prabhu, Kasaragod, another garden owner, was advised how to plant one-year old seedlings.

5. Another garden belonging to one Janab Muhammad was visited. It was found that the death of the coconut trees was due to bud-rot. As the disease had advanced, the seriousness of the attack was explained to him and he was advised to cut and burn the crowns of the trees to prevent the infection of healthy ones.

6. The garden of Janab Parambat Muhammad was visited and he was advised to inter-cultivate and manure the trees.

AGRICULTURAL RESEARCH STATION, NILESHWAR.

Coconut seedlings.—Six thousand nine hundred and eighty-one coconut seedlings have been sold to neighbouring cultivators.

Tapioca.—This is a poor man's crop, the cultivation of which was unknown in South Kanara. It was first introduced by the farm staff in the neighbourhood and 5,765 setts of *butterstick* (superior variety) were distributed among the ryots.

Iron ploughs.—As a result of constant propaganda, ryots are slowly realizing the advantage of iron ploughs in the preparatory cultivation of paddy to reduce the cost of cultivation. Farm animals are hired out whenever they have no work on the farm and 15 acres have been worked this year in three centres.

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Improved seed.—The advantages of selected paddy seed from Taliparamba and Pattambi stations in preference to local seed have been well impressed.

Miscellaneous.—Whenever the ryots' gardens are visited, their coconut trees are examined for insect or fungoid attacks. The bleeding disease of trees on the river banks, and *Nephantis serinopa* attack on the sea coasts are common occurrences. Treatments for these diseases were demonstrated.

AGRICULTURAL RESEARCH STATION, PILICODE.

Ryots are constantly advised to use better ploughs for ploughing their paddy fields and during the year 1937–38 farm pairs with the monsoon plough and a skilled coolie for ploughing, were hired out for 65 days. Advice has also been given regarding manuring their crops, the desirability of growing fruit plants and combating diseases and pests. Nine ryots have planted graft mangoes in their respective gardens and the Farm Manager attended to the planting and manuring.

The coconut garden of Sri T. U. K. Thirumump received attention from the staff in the matter of manuring, inter-cultivation and combating shoot-rot disease in the coconut. The desirability of growing fruit plants like graft mangoes, cashewnut, etc., has also been impressed upon him who has now planted 12 graft mango plants and 300 cashewnut seedlings.

Sri O. K. Karunakaran of Cannanore, who has recently started a cashewnut garden at Pilicode, was given all the necessary instructions. Advice was also given regarding ginger and groundnut cultivation in his land.

Two pairs of animals with monsoon plough were lent to Doctor Achutan of Cannanore for ploughing his coconut garden at Pilicode.

Sri P. K. Adiyodi, whose coconut trees were infected with shoot-rot and bleeding disease, was advised about methods for its treatment and for preventing its further spread.

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APPENDIX IV.

[Vide answer to unstarred question No. 25 asked by Sri B. Narayanaswami Nayudu at the meeting of the Legislative Council held on the 13th December 1938, page 111 *supra*.]

Names of the temples in each revenue taluk which are assessed to contribution under section 69 of the Madras Hindu Religious Endowments Act, 1926, on an annual income of Rs. 5,000 and upwards.

Name of taluk.	Name of village.	Name of temple.	Income.
<i>Vizagapatam district.</i>			
			RS.
Anakapalle	Anakapalle	Sri Kanyakaparameswari.	6,457
Bimlipatam	Padmanabham	Anantapadmanabhaswami.	6,964
Palkonda	Rajam	Rajagopalaswami, Ramalingeswaraswami and Sitaramaswami at Sitarapuram.	17,260
Do.	Palkonda	Jagannadaswami	6,000
Vizagapatam	Simhaohalam	Varahalakshmi Narasimhaswami.	1,12,395
Do.	Vizagapatam	Kodandaramaswami alias Sitaramaswami.	6,000
Vizianagram	Ramathirtham	Ramaswami	13,840
Do.	Vizianagram	Kanyakaparameswari.	6,500
Chicacole	Balaga	Jagannathaswami	26,000
Do.	Chicacole	Kodandarama	5,000
Ichchapur	Kanchili	Jagannathaswami and Raghunathaswami.	7,760
Do.	Sarlapalli	Lakshminarayanaswami.	9,604
Do.	Mandasa	Vasudevaswami	9,000
Bobbili	Bobbili	Venugopalaswami	14,870

Kistna district.

Bandar	Batchupeta	Venkateswaraswami	5,310
Bezwada	Bezwada	Kanakaduramallikarjunaswami alias Malleswaraswami.	8,066
Kaikalur	Vadali	Jagannathaswami	19,428
Nuzvid	Agirapalli	Sobhanac alamallikarjunaswami.	12,134

West Godavari district.

Ellore	Ellore	Janardhana Kanyakaparameswari-Nagaraswari.	5,760
Do.	Dwaraka-Tirumalai.	Venkateswaraswami	30,000
Narasapur	Palacole	Ksheeraramalingeswaraswami.	5,250

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Name of taluk.	Name of village.	Name of temple.	Income.
<i>East Godavari district.</i>			RS.
Peddapur	Annaram	Veeravenkatasatya- naravanaswami.	31,041
Pittapuram	Pittapuram	Kuntimadhavaswami.	6,177
Ramachandrapur	Draksharama	Bhimeswaraswami ..	8,000
Razole	Antarvedi	Lakshminarasimha- swami.	5,000
Do.	Gudimoola-Rames- waram.	Kru'hakruthiya Rames- waraswami.	6,000
Do.	Vadapalli	Venkateswaraswami and Venugopalswami.	5,000
<i>Guntur district.</i>			
Bapatla	Ponnur	Bhavanarayanaswami.	9,210
Guntur	Mangalagiri	Lakshminarasimha- swami.	14,000
Do.	Vaikuntapuram	Venkateswaraswami ..	7,710
Narasaraopet	Kothappakonda	Trikoteswaraswami ..	11,736
Repalle	Moorthota	Muktheswaraswami ..	5,461
Do.	Pedapulivarru	Varadarajaswami ..	6,071
Sattenapalli	Amaravathi	Amareswaraswami ..	9,312
Tenali	Donepudi, hamlet of Kotipalle.	Somasekaraswami ..	10,442
Do.	Munugotipuram alias Munnangi Kothapeta.	Bhimeswaraswami ..	8,548
Do.	Sangam Jagarla- mudi.	Sangameswaraswami ..	7,613
<i>Nellore district.</i>			
Nellore	Nellore (Stone- housepet).	Kanyakaparameswari.	6,410
Do.	Nellore (Ranga- nayakulapet).	Talpagiri Ranganatha- swami.	9,950
Do.	Nellore (Mulapet) ..	Venugopalswami ..	7,000
Kovur	Buchireddipalem ..	Kodandaramaswami ..	9,025
Do.	Gandavaram	Lakshminarasimha- swami, Udayakales- waraswami and Venugopalswami.	5,925
Do.	Jonnavada	Mallikharjunaswami. and Kamakshamma.	11,430
Kandukur	Singarayakonda ..	Varaha Lakshminara- simhaswami.	9,787
Gudur	Venkatagiri	Kasiviswanthaswami, Varadarajaswami and Kamakshi Tayee.	15,000
<i>Chittoor district.</i>			
Chandragiri	Tirupati	Tirumalai-Tirupati, etc., Devasthanams.	9,81,854
Kalahasti	Kalahasti	Kalahasteswaraswami devasthanam.	9,400
Puttur	Narayanavanam ..	Kalyanavenkateswara- swami devasthanam.	5,741
Tiruttani	Karimbedu	Nadadeswaraswami ..	9,289
Do.	Tiruttani	Subrahmanyeswara- swami devasthanam.	20,525
<i>Anantapur district.</i>			
Gooty	Anumpalli	Sunkalamma	10,000
Kadiri	Kadiri	Lakshminarasimha- swami.	5,400

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Name of taluk.	Name of village.	Name of temple.	Income.
<i>Cuddapah district.</i>			
			RS.
Rajampet	Rajampeta	Kanyakaparameswari.	5,000
<i>Bellary district.</i>			
Hospet	Hampi	Virupakshaswami ..	30,000
<i>Kurnool district.</i>			
Nandikotkur	Srisailam	Mallikarjunaswami ..	16,225
Sirvel	Ahobilam	Narasimhaswami ..	7,150
Kurnool	Gorantla	Madhavaswami ..	6,150
<i>North Arcot district.</i>			
Polur	Padavedu	Ramachandraswami and Renugambalam- man.	6,244
Tiruvannamalai ..	Tiruvannamalai ..	Arunachaleswarar ..	32,218
Wallajah	Sholinghur	Lakshminarasimha- swami.	11,850
<i>South Arcot district.</i>			
Chidambaram	Srimushnam	Bhoovarahaswami ..	8,160
Cuddalore	Tiruppappuliyur ..	Pataleeswarar ..	12,666
Tindivanam	Tiruvendipuram ..	Devanathaswami ..	7,404
Vriddhachalam ..	Mailam	Subra manyaswami ..	10,000
Do.	Vriddhachalam ..	Vridhagireshwarar ..	9,167
<i>Chingleput district.</i>			
Chingleput	Tirukkalkikunram ..	Vidagiriswarar ..	7,132
Do.	Tirupporur	Kandaswami	15,000
Conjeeveram	Big Conjeeveram ..	Ekambaranathar ..	8,000
Do.	Do.	Kamakshi Amman ..	5,875
Do.	Do.	Pravalavarnar ..	6,656
Do.	Do.	Devarajaswami ..	31,300
Ponneri	Tiruppalaivanam ..	Paleswarar	5,125
Do.	Tiruvayarpadi ..	Karikrishnaperumal ..	5,824
Saidapet	Ayyanavaram	Kariviswanathar ..	5,225
Do.	Saidapet	Karaneeswarar ..	6,775
Do.	Tiruneermalai ..	Ranganathar	5,492
Do.	Tiruvanniyur ..	Marudeeswarar ..	5,050
Do.	Tiruvottiyur ..	Tyagarajar	5,938
Sriperumbudur ..	Kovur	Sundareswarar ..	17,404
Do.	Sriperumbudur ..	Adikeswarar, etc. ..	16,225
Do.	Tirumanam	Sundararajaperumal ..	5,625
Tiruvallur	Tiruvallur	Veeraraghavaswami ..	19,221
<i>Tanjore district.</i>			
Arantangi	Tirupunavasal ..	Vridhapureeswarar ..	15,654
Do.	Arudayarkoil	Athmanathaswami ..	68,000
Mannargudi	Kothur	Kolundeeswarar ..	5,780
Do.	Mannargudi	Rajagopalaswami ..	12,618
Do.	Nidamangalam ..	Santhanaramaswami and Kasiviswanatha- swami.	18,467
Do.	Vadapathimanga- lam.	Arunachaleswarar ..	6,050

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Name of taluk.	Name of village.	Name of temple.	Income.
<i>Tanjore district—cont.</i>			RS.
Tanjore	Tanjore	Bangaru Kamakshi- amman.	5,844
Do.	Do.	Tanjore Palace Deva- sthanam (Sri Briha- deswarar, etc., temples).	63,330
Nannilam	Tirukamapuram ..	Sowrirajaperumal ..	5,000
Do.	Tiruppugalur ..	Agneswaraswami ..	12,666
Do.	Tiruvilimalai ..	Srivilvanathaswami ..	5,817
Negapatam	Ettigudi	Subrahmanyaswami ..	7,068
Do.	Kivalur	Akshayalingaswami ..	10,221
Do.	Negapatam	Kayarohanaswami and Neelayatakschiam- man.	9,538
Do.	Sembiamadevi ..	Kailasanathaswami ..	5,880
Do.	Sikkil	Navaneetheswarar ..	24,700
Do.	Tiruvoimur ..	Tyagarajaswami ..	6,400
Do.	Tiruvalur	Tyagarajaswami, Ulthurai. Abhisheka	9,122 16,934
Tiruturaippundi ..	Idumbavanam ..	Annadana	6,956
Do.	Karpaganathar- kulam.	Satgunanathaswami ..	9,176
Do.	Kovilur	Karpaganathaswami ..	10,000
Do.	Tiruturaippundi ..	Manthrapureeswarar.	12,885
Do.	Do.	Bava Oushadapurees- warar.	14,000
Do.	Vedaranniyam ..	Vedaranyaswami ..	40,155
Do.	Muthupet	Sundareswarar ..	6,372
Kumbakonam	Kumbakonam ..	Adikumbeswarar ..	16,660
Do.	Do.	Sarangapaniswami ..	16,236
Do.	Natchiyarkoil ..	Srinivasaperumal ..	7,607
Do.	Swamimalai ..	Swaminathaswami ..	12,283
Do.	Tiruocherai ..	Saranathaperumal ..	5,890
Do.	Tiruvadamarudur ..	Mahalingaswami ..	63,000
Do.	Uppiliappankoil ..	Venkatachalapathi ..	6,066
Mayavaram	Olugumangalam ..	Mariamman	5,000
Do.	Mayavaram ..	Mayuranathaswami ..	24,000
Do.	Tiravaduthurai ..	Gomateswaraswami ..	9,905
Do.	Tiruvalamputhur ..	Ratnapureeswarar ..	5,700
Do.	Tiruvilandur ..	Parimalaranganathar ..	11,104
Shiyali	Tiruvengad	Swetharanyeswarar ..	18,380
<i>Trichinopoly district.</i>			
Karur	Thanthonimalai ..	Venkataramanaswami ..	7,919
Kulittalai	Kodavur	Karunagirinathar ..	10,850
Do.	Marungapuri ..	Zamin temple ..	11,850
Do.	Sivayam	Ratnagiriswarar ..	6,868
Lalgudi	Bikshandarkoil ..	Uth markoil	6,341
Do.	Lalgudi	Saptharishiswarar ..	10,236
Do.	Poovalur	Moolanathar	5,340
Do.	Tirumangalam ..	Chamandeeswarar ..	7,745
Do.	Tirupingili	Nilvan eswarar ..	5,413
Do.	Uttathur	Suddarathneswarar ..	5,617
Do.	Tirunarayanapuram (Natham).	Vedanarayanaperumal..	7,694
Do.	Thuraiyur	Venugopalaswami and PrasannaVenkatesa- perumal.	8,541

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Name of taluk.	Name of village.	Name of temple.	Inco m e.
<i>Trichinopoly district—cont.</i>			RS.
Musiri	Ayyampalayam ..	Dandayudhapaniswami.	8,782
Perambalur	Chettikulam ..	Ekambareswarar and Dandayudhapani.	7,250
Trichinopoly ..	Srirangam	Ranganathaswami ..	98,560
Do. ..	Thiruvanaikoil ..	Jambukeswarar ..	13,122
Do. ..	Trichinopoly Fort ..	Naganathaswami ..	7,684
Do. ..	Trichinopoly Rock Fort.	Thayumanavar alias Mathrubootheswarar.	17,838
Udayarpalayam ..	Kallankurichi ..	Kaliyugavaradarajar ..	20,000
Do. ..	Kilapalavur ..	Srinivasaperumal and Alanduraiappar.	5,063
Do. ..	Tirumalaivadi ..	Vaidyanathaswami ..	6,426
<i>Madura district.</i>			
Dindigul	Dindigul	Kalahasteswarar alias Abirami Amman.	9,200
Madura	Madura	Kudal Alagar	8,450
Do. ..	Do. ..	Meenakshisundareswarar.	1,61,322
Do. ..	Tirumugur	Tirumugur Devasthanam.	15,284
Do. ..	Madura (South Masi Street).	Prasanna Venkatesaperumal.	10,000
Melur	Tiruvathivoor ..	Tirumaraitheswarar, etc.	5,520
Do. ..	Madura (Valayampatti).	Kallalagar Devasthanam.	70,480
Palni	Palni	Dandayudhapaniswami.	75,575
Do. ..	Salaiputhur ..	Ucinimahakali Amman.	5,039
Tirumangalam ..	Tirumangalam ..	Bhadrakali Amman ..	5,100
<i>Ramnad district.</i>			
Aruppukkottai ..	Aruppukkottai ..	Amirthalingaswami and Muthumariamman.	5,000
Ramnad	Rameswaram ..	Ramanathaswami ..	1,69,604
Do. ..	Temples and katta-lais under the Raja of Ramnad.		1,19,118
Sattur	Sattur	Venkatachalapathi ..	6,058
Do. ..	Virudunagar ..	Parasakthi Mariamman and Ranganathaperumal.	9,417
Sivaganga	Alagapuri (Ariyakurichi).	Vettudayar Kali Amman.	7,725
Srivilliputtur ..	Madavarvilagam ..	Vaidyanathaswami ..	11,590
Do. ..	Pethavanallur ..	Mayurnathaswami ..	9,600
Do. ..	Srivilliputtur ..	Nachiar	45,012
Do. ..	Devadanam Seitur ..	Nachadaithavirtharuliyanaswami, Tirukanneswarar.	26,383
Tirupattur	Ariyakudi	Srinivasaperumal and Tiruvengadaperumal.	6,000
Do. ..	Ilayathakudi ..	Kailasanathaswami and Nityakalyani Ambal.	12,000
Do. ..	Keraikudi	Koppudayanayakiaman.	27,850
Do. ..	Keeleavalpatti ..	Meenakshisundareswarar.	5,000
Do. ..	Kunnakudi	Anjukoil Devasthanam.	48,018

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Name of taluk.	Name of village.	Name of temple.	Income.
<i>Ramnad district—cont.</i>			
			RS.
Tiruppattur ..	Mathur ..	Iravatheeswarar alias Iynootheeswarar, etc.	6,000
Do. ..	Pillayarpatti ..	Karpagavinayagar ..	6,000
Do. ..	Puduvayal ..	Melaperumal ..	6,000
Do. ..	O. Siruvayal ..	Ponnalagiamman ..	9,000
Tiruvadanai ..	Devakottai ..	Sivan or Meenakshi- sundareswarar.	5,000
Do. ..	Kottur ..	Agasteeswarar and Soundaranayakiam- man.	6,000
Do. ..	Devakottai ..	Silampani Chidambara Vinayagar.	10,000
Do. ..	Tiruvadanai ..	Adiratneswarar ..	24,600
Sivaganga ..	Temples under the Raja of Sivaganga.		4,94,716

Tinnevelly district.

Ambasamudram ..	Ambasamudram ..	Kasinathaswami, Tiru- moolanathaswami, Veeramarthandes- warar.	8,148
Do. ..	Tiruppudaimarudur.	Narambunathaswami ..	5,762
Do. ..	Urkad ..	Tirukoshtiappar ..	9,110
Koilpatti ..	Koilpatti ..	Poovananthaswami ..	1,00,035
Do. ..	Kalugumalai ..	Subrahmanyaswami ..	8,000
Do. ..	Pasuvandanai ..	Kailasanathaswami ..	5,000
Nanguneri ..	Nanguneri ..	Vanamamalaiperumal ..	6,375
Do. ..	Radhapuram ..	Varagunapandeeswarar.	5,355
Do. ..	Tirukurangudi ..	Alagianambiroyar ..	5,302
Do. ..	Do. ..	Jeer Math ..	24,250
Do. ..	Valliyur ..	Subrahmanyaswami ..	5,764
Sankarankoil ..	Sankarankoil ..	Sankaranarayanawami.	30,767
Do. ..	Tharugapuram ..	Mathyaswami	5,000
Do. ..	Viswanathaperi (Sivagiri).	Balasubrahmanyaswami, etc.	8,750
Srivaikuntam ..	Srivaikuntam ..	Sri Kannapiran ..	7,414
Do. ..	Tuticorin ..	Sankararameswarar ..	5,622
Tenkasi ..	Courtallam ..	Tirukutalanathaswami.	24,721
Do. ..	Parpoli ..	Tirumalaikumaraswami.	14,316
Do. ..	Tenkasi ..	Kasiviswanathaswami ..	6,410
Do. ..	Veerakeralampudur.	Navaneetha.krishna- swami.	20,775
Tinnevelly ..	Gangaikondan ..	Kailasanathaswami ..	5,188
Do. ..	Kunukkuthurai ..	Subrahmanyaswami ..	7,925
Do. ..	Tinnevelly ..	Nelliappar and Kanthi- mathi.	52,877
Tiruchendur ..	Alwarthirunagari ..	Ad na halwar ..	19,300
Do. ..	Tiruchendur ..	Subrahmanyaswami ..	77,300

Salem district.

Salem ..	Shevapat ..	Prasannavenkata- chalapathi, etc.	7,630
Do. ..	Salem (Mettu street).	Sukhavanewarar ..	6,475
Tiruchengode ..	Kalipatti ..	Kandaswami ..	5,000
Do. ..	Tiruchengode ..	Aradhanawarar ..	6,000

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Name of taluk.	Name of village.	Name of temple.	Income.
<i>Coimbatore district.</i>			RS.
Avanashi	Karamadai	Ranganathaswami ..	5,871
Do.	Mondipalayam alias Sreenivasapuram.	Srivenkatesaperumal.	5,950
Bhavani	Bhavani	Sangameswarar, etc. . .	7,132
Coimbatore	Perur	Patteeswarar	12,175
Dharmapuram	Mettupalayam	Natarayaswami	20,000
Erode	Thingalur	Appachimar	5,500
Ko.legal	Madheswaranmalai ..	Madheswaraswami ..	10,000
Do.	Sivasamudram	Ranganadhaswami ..	10,000
Palladam	Ayyampalaiyam (Samalapuram).	Valaithottam Ayyan.	7,666
<i>Malabar district.</i>			
Calicut	Valayanad	Valayanad temple ..	5,150
Chirakkal	Azhicode	Akkaliath temple ..	5,600
Do.	Cherukunnu	Cherukunnu temple ..	6,321
Do.	Edakkad	Edakkad temple ..	5,500
Do.	Do.	Dorpazhassi Kavu ..	12,900
Do.	Erammam	Muthuvat Kavu ..	5,847
Do.	Kavari	Padappanangat ..	5,000
Do.	Naroth	Naroth temple ..	5,000
Do.	Morazha	Kadambur temple ..	7,500
Do.	Thaliparamba ..	{ Thaliparamba .. } { Thirichambaram .. } { Kanhirangat }	13,250
Ernand	Kizhuparamba ..	Thrikkalyur	10,587
Do.	Manjeri	Muthura Kunnu ..	8,150
Do.	Thrikkalangode ..	Karikkat	7,014
Do.	Vellayur	Vellayur Bhagavathi.	5,100
Do.	Vilayil	Neeramangat	5,000
Kottayam	Tiruvangad	Ramaswami	5,817
Do.	Manathona	Kottiyur	16,371
Palghat	Akathethara ..	Kallekulangara, etc., temples.	29,086
Do.	Elappulli	Mankarayamman ..	8,000
Do.	Kallur	Kallur Vishnu ..	5,240
Do.	Koduvayur	Ramapuram	12,100
Do.	Kongad	Thirumandham Kunnu.	6,872
Do.	Kottaya	Perumanam Sabhayo-gam.	8,850
Do.	Kuthanur	Sukapuram Sabhayo-gam.	20,000
Do.	Do.	Thiruvallathoor ..	19,750
Do.	Kuzhalamanam ..	Nellakavu	5,500
Do.	Kotala	Pallavoor	7,000
Do.	Thrippallavoor ..	Do.	6,300
Do.	Kachanakurichi ..	Payyalar	20,734
Do.	Trippalamunda ..	Peingode	16,000
Do.	Puthucode	Puthucode	7,033
Ponnani	Guruvayur	Guruvayur	61,960
Do.	Kanmanam	Kanmanam	7,000
Do.	Mukkuthala	Pallkkara	5,500
Do.	Trikkalkat Math ..	Periyapuram	5,000
Kurumbranad ..	Chala and Balusseri.	Panangad	5,500
Do.	Kallamvelli and others under the Raja of Kadathanad.	Kuttiapuram	5,667
Wynad	Polpulli	Polpulli	10,000
Do.	Tirunelli	Tirunelli	7,000

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Name of taluk. Name of village. Name of temple. Income.

Malabar district—cont.

				RS.
Walluvanad	..	Methrikovil ..	Alanullur ..	5,200
Do.	..	Paral ..	Vazhangade ..	5,100
Do.	..	Valambur ..	Thirurkat Siva ..	5,050
Do.	..	Angadipuram ..	Tirumandham unnu ..	6,125
Do.	..	Cherplachery ..	Ayyappan ..	7,060
Do.	..	Pulappetta Kootala ..	Kaladicode ..	5,000
Do.	..	Panamanna ..	Panamanna ..	6,405
Do.	..	Thiruvilayanat ..	Pulapetta ..	18,000
Do.	..	Kodarmaana ..	Manampetta ..	11,000
Do.	..	Perumangote ..	Thirunarayanapuram ..	12,000
Do.	..	Thiruvegapra ..	Thiruvegapra ..	16,000

South Kanara district.

Coondapoor	..	Kollur ..	Mookambika ..	8,755
Karkal	..	Karkal ..	Venkataramana ..	13,116
Kasaragod	..	Moonjeswar ..	Madanatheswar ..	26,411
Do.	..	Ubralangala ..	Agalpady Durga- parameswari.	5,200
Mangalore	..	Buntwal ..	Thirumala Venkata- ramana.	11,850
Do.	..	Mangalore ..	Venkataramana ..	16,100
Do.	..	Kondimoola ..	Katil Chaitanya Durga- parameswari.	5,125
Do.	..	Manapadi ..	Moolky Venkata- ramana.	20,513
Puthur	..	Subramanya ..	Kukke Subrahmanya.	12,350
Do.	..	Uppinangadi ..	Laxmi Venkataramana.	5,255
Do.	..	Kapu ..	Durgaparameswari ..	6,000
Udipi	..	Perdoor ..	Ananthapadmanabhan.	5,900

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

13th December 1938]

APPENDIX V

[Vide item II at page 111 supra.]

L.A. BILL No. 20 OF 1938.

(As passed by the Assembly)

A Bill to provide for the disposal of the balance to the credit of the Minor Ports Fund in the Province of Madras.

XV of 1908. WHEREAS under sub-section (6) of section 36 of the Indian Ports Act, 1908, the disposal of the balances from time to time standing to the credit of port fund accounts is subject to the provisions of any local law;

AND WHEREAS the Provincial Government have directed that all minor ports in the Province of Madras should be regarded as constituting a single port with a common port fund called the Minor Ports Fund;

AND WHEREAS subsequently the Tuticorin Port Fund has been constituted as a separate fund under the Tuticorin Port Trust Act, 1924;

AND WHEREAS it is expedient to provide by an Act of the Provincial Legislature for the disposal of the balance which is now standing and which may from time to time stand to the credit of the said Minor Ports Fund other than that of Tuticorin;

It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Minor Ports Fund Act, 1938. Short title and extent.

(2) It extends to the whole of the Province of Madras.

2. In this Act, 'Minor Ports Fund' means the common port fund of all the minor ports situated in the Province of Madras other than Tuticorin. Definition of 'Minor Ports Fund.'

3. The balance standing on the 31st day of March 1939 to the credit of the Minor Ports Fund in excess of twenty lakhs of rupees shall be credited to and shall be disposed of along with the rest of the revenues of the Province. Disposal of surplus on the 31st March 1939.

4. Such portion of the balance standing to the credit of the Minor Ports Fund on the 31st day of March in the year 1940 or in any subsequent year, as the Provincial Government may, with the approval, by resolution, of the Madras Legislative Assembly, determine, shall be credited to and shall be disposed of along with the rest of the revenues of the Province. Disposal of subsequent surpluses.

[13th December 1938]

APPENDIX VI

[Vide item III at page 138 supra.]

L.A. BILL No. 21 OF 1938:

(As passed by the Assembly)

A Bill to remove the disabilities of certain classes of Hindus in regard to entry into temples in the district of Malabar.

WHEREAS the disabilities imposed by custom and usage on certain classes of Hindus in respect of their entry into, and offering worship in, Hindu temples should be removed,

AND WHEREAS, however, doubts have been entertained whether the trustees of such temples have the power in law to make any such innovation in practice,

AND WHEREAS it is just and expedient that these doubts should be removed and the trustees should be empowered by law to extend to all classes of Hindus the right of entry into, and worship in, temples if the Hindus in the locality who are now entitled to such entry are generally in favour of such extension,

AND WHEREAS, further, such extension of rights and privileges in Hindu temples to classes hitherto excluded has been recently ordered and peacefully brought into effect in one part of Kerala, and by reason of common traditions and identity of language, customs, forms of worship and the like, the removal of the disabilities aforesaid has been not only more insistently demanded, but also made more easy of accomplishment in the first instance, in another part of Kerala,

It is hereby enacted as follows:—

Short title
and extent.

1. (1) This Act may be called the Malabar Temple Entry Act, 1938.

(2) It extends to the whole of the District of Malabar.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) 'Board' means the Board of Commissioners constituted under section 10 of the Madras Hindu Religious Endowments Act, 1926, or any other

Madras Act
II of 1927.

13th December 1938]

authority in which the powers and functions of the said Board in respect of a temple may for the time being be vested;

(2) 'excluded class' means any caste or class of the Hindu community which, by reason of any established usage or custom, is excluded from entering the temple concerned, or which, though admitted into the precincts of the temple, is not allowed entry into any part of the temple where the bulk of the worshippers are allowed;

(3) 'prescribed' means prescribed by rules made under section 9;

(4) 'temple' means a place, by whatever designation known, which is used as a place of public worship by the Hindu community generally except excluded classes and which was at any time assessed to contribution under section 69 of the Madras Hindu Religious Endowments Act, 1926, on an annual income of not less than Rs. 5,000; and in any context with reference to entry shall mean every part of the temple which is open to the bulk of the worshippers:

Provided that any temple which has been before the 1st of April 1938 declared by final decree or order of a competent court to be private property or accepted by the Board to be private property shall not be a temple for the purposes of this Act:

Provided further that any temple in respect of which a question as to whether it is private property has been already raised in a suit in a court of law or in an application before the Board registered before the 1st of April 1938, the temple shall not be deemed to be a temple for the purposes of this Act until the final decision in such a proceeding, and thereafter, it shall not be, or shall be, a temple for the said purposes according as the final decision declares or accepts the temple to be private property or not.

(5) 'trustee' means a person by whatever designation known, in whom the administration of a temple is vested, whether in a hereditary capacity or not;

(6) 'voters' means the Hindu voters, other than those belonging to excluded classes, on the electoral

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roll of the Madras Legislative Assembly for the time being in force relating to the general constituency of the revenue taluk in which the temple is situated including the municipal areas therein, who are included in a list prepared under the rules made under section 9; and

(7) 'worship' means such religious service as the bulk of the worshippers participate in, in accordance with the provisions of such regulations as may be made by the trustees for the maintenance of order and cleanliness and the due observance of the religious rites and ceremonies performed in the temple.

Requisition to trustees to throw open temples to excluded classes.

3. (1) On receipt by the trustees of a temple of a requisition in writing signed by not less than fifty voters requesting them to throw open the temple to persons belonging to excluded classes, the trustees shall forward the requisition to the Provincial Government and the Provincial Government shall thereupon direct the trustees to refer the matter to the voters and ascertain their opinion by votes taken by the prescribed method:

Provided that if the Provincial Government are of opinion that the requisition is not made for the furtherance of the objects of this Act, they may direct that no action be taken thereon.

(2) Where on such reference the result is found by a majority of the votes to be in favour of throwing the temple open to persons belonging to excluded classes, the trustees shall publish in the prescribed manner an order to the effect that the temple shall thereafter be open to persons belonging to excluded classes.

Power of trustees to issue notice of proposal to throw open temples to excluded classes.

4. (1) Notwithstanding any law, custom or usage to the contrary, it shall be open to the trustees of a temple to publish in the prescribed manner a notice to the effect that they propose to make an order throwing the temple open to persons belonging to excluded classes. Such notice shall also state that objections to the proposal may be preferred to the trustees at any time within one month from the date of the publication of the notice.

(2) If within one month from the date of the publication of the notice referred to in sub-section (1),

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written objections to the proposal are preferred by not less than fifty voters, the same shall be forwarded to the Provincial Government, and thereafter, on a direction from them, the question whether the temple shall or shall not be thrown open to persons belonging to excluded classes shall be referred for the opinion of the voters as if a requisition had been received under sub-section (1) of section 3.

(3) If in any case where action under sub-section (1) is taken by the trustees, no objection as specified in sub-section (2) is preferred, or if on a reference made under sub-section (2), the result is found to be in favour of throwing the temple open to persons belonging to excluded classes, the trustees shall publish in the prescribed manner an order to the effect that the temple shall thereafter be open to persons belonging to excluded classes.

5. The Provincial Government may, at any time, before the results of any reference to the voters are announced, order that all further action in respect of such reference shall be suspended and upon such order all previous proceedings relating thereto shall be deemed to have been cancelled.

6. Where on a reference made to the voters under sub-section (1) of section 3 or sub-section (2) of section 4 the result is found to be in favour of throwing a temple open to persons belonging to excluded classes, the trustees of any other temple situated in the same revenue taluk, within two years from the date of such reference, may of their own motion and shall on receipt of a requisition in writing signed by not less than fifty voters, publish in the prescribed manner an order to the effect that the temple shall be open to persons belonging to excluded classes.

Power of trustees to throw open temples to excluded classes without reference to voters in certain cases.

7. Where an order has been published under sub-section (2) of section 3, or sub-section (3) of section 4, or section 6, it shall be lawful, notwithstanding any custom or usage to the contrary, for any person belonging to excluded classes to enter the temple concerned and participate in worship therein.

Effect of order under sections 3 (2), 4 (3) or 6.

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Fresh
proceedings
not to be
taken in
certain
cases.

8. Where on a reference made to the voters under sub-section (1) of section 3 or sub-section (2) of section 4, the result is found to be against throwing the temple open to persons belonging to excluded classes, no further proceedings shall be taken either under sub-section (1) of section 3 or under sub-section (1) of section 4 for a period of two years from the date of such reference in respect of such temple or any other temple in the same revenue taluk.

Rules.

9. (1) The Provincial Government may make rules for the purposes of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power the Provincial Government may make rules—

(a) with reference to all matters allowed to be prescribed by this Act;

(b) as to the form and presentation of the requisitions and objections referred to in sub-section (1) of section 3, section 4 and section 6;

(c) as to the publication of orders and notices by trustees;

(d) as to the method by which the opinion of the voters shall be ascertained;

(e) as to the preparation and publication of lists of voters, and the decision of all disputes which may arise in connexion therewith; and

(f) as to the decision of all disputes which may arise in respect of requisitions and objections from voters under sections 3, 4 and 6 or in respect of references to voters under sections 3 and 4 and the ascertainment and publication of the results of such references.

(3) All rules made under this section shall be published in the official gazette and on such publication shall have effect as if enacted in this Act.

Power to
remove
difficulties.

10. If any difficulty arises in giving effect to the provisions of this Act the Provincial Government, as occasion requires, may order the doing of anything necessary for the purpose of removing the difficulty.

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11. (1) If any question arises as to whether a place is or is not a temple as defined in this Act the question shall be referred for the decision of the Provincial Government and their decision shall be final. Power to decide disputes.

(2) The Provincial Government shall have power to exempt from the provisions of this Act such institutions as, in their opinion, are in the nature of family temples and may be exempted without prejudice to the objects of this Act.

12. In section 40 of the Madras Hindu Religious Endowments Act, 1926, the words and figures "Subject to the provisions of the Malabar Temple Entry Act, 1938," shall be inserted at the commencement. Amendment of section 40, Madras Act II of 1927.

Madras Act II of 1927.

APPENDIX VII.

[Vide item VII at page 160 supra.]

Rules under sub-section (2) of section 74-A of the Madras Local Boards Act, 1920.

MADRAS LOCAL FUND ASSISTANT ENGINEERS SERVICE.

1. In these rules, unless there is anything repugnant in the subject or context—

(1) a person is said to be "appointed to the Service" when in accordance with these rules he discharges for the first time the duties of a post borne on the cadre of the Service or commences the probation prescribed for members thereof;

(2) "approved probationer" means a member of the Service who has satisfactorily completed, or is deemed under sub-rule (7) or sub-rule (8) of rule 7 satisfactorily to have completed his period of probation and awaits appointment as a full member of the Service;

(3) "cadre" means the sanctioned strength of the Service;

(4) "discharge of a probationer" from the Service during the period of his probation means reverting him to the post previously held by him or on which he has a lien or if he was not holding any such post, dispensing with his services;

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(5) "full member of the Service" means a member of the Service who has been appointed substantively to a permanent post borne on the cadre thereof;

(6) "Government" means the Government of Madras;

(7) "member of the Service" means a probationer, an approved probationer or a full member of the Service;

(8) "period of probation" of a member of the Service means the period of probation prescribed in these rules together with—

(a) the period until the issue of an order by the Government under sub-rule (5) of rule 7 declaring the probationer to have satisfactorily completed his period of probation; or

(b) the period for which the probation is extended under clause (ii) of sub-rule (4) or sub-rule (6) of rule 7; or

(c) the period referred to in sub-rule (7) or sub-rule (8) of rule 7 on the expiry of which, the probationer is deemed to have satisfactorily completed his period of probation; or

(d) the period until an order discharging the probationer under sub-rule (3), sub-rule (4) or sub-rule (6) of rule 7 takes effect;

(9) "prescribed authority" means the authority appointed by the Government for the purposes of these rules;

(10) "probationer" means a member of the Service who has not completed the period of his probation;

(11) "scheduled classes" means the communities mentioned in Annexure II to these rules; and

(12) "Service" means the Madras Local Fund Assistant Engineers Service.

2. *Constitution.*—The Service shall consist of such number of local fund assistant engineers as the Government may from time to time determine.

3. *Recruitment.*—(1) First appointment to the Service shall be made by the Government by direct recruitment or by transfer of a person in Government, Municipal or Local Board Service.

(2) Candidates for appointment to the Service shall be selected by the prescribed authority, subject to the approval of the Government.

4. *Temporary appointments.*—Where it is necessary in the public interest to fill immediately a vacancy in a post borne on the cadre of the Service, the prescribed authority may appoint a person whom he considers suitable for a period not exceeding three months on each occasion. A person so appointed shall not be regarded as a probationer in the Service or be entitled by

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reason only of such appointment to any preferential claim to future appointment and he shall be replaced as soon as possible by a candidate selected for appointment under rule 3.

5. *Communal representation*.—(1) So far as qualified and suitable candidates of the communities concerned are available, appointments to the Service shall be made in the following order, namely:—

- (i) One non-Brahman (Hindu).
- (ii) One Muhammadan.
- (iii) One non-Brahman (Hindu).
- (iv) One Anglo-Indian or Christian or non-Asiatic.
- (v) One Brahman.
- (vi) One non-Brahman (Hindu).
- (vii) One member of the scheduled classes.
- (viii) One non-Brahman (Hindu).
- (ix) One Muhammadan.
- (x) One non-Brahman (Hindu).
- (xi) One Anglo-Indian or Christian or non-Asiatic.
- (xii) One Brahman.

Explanation.—The expression “Non-Brahman (Hindu)” shall include every community other than the Brahman, the Muhammadan, the Anglo-Indian, Christian or non-Asiatic and the scheduled classes.

(2) The stage at which the communal rotation specified in sub-rule (1) shall commence when first applied to the Service shall be determined by the Government.

(3) If a qualified and suitable candidate belonging to any community is not available for appointment to the Service in the turn allotted to that community under sub-rules (1) and (2) or under this sub-rule, a qualified and suitable candidate belonging to the community next in the order specified in sub-rule (1) shall, if available, be appointed: but the former community shall have a preferential claim for consideration when any subsequent appointment is to be made to the Service, until a suitable and qualified candidate belonging to that community has been appointed against that claim.

(4) Where a probationer belonging to any community is discharged from the Service otherwise than for want of a vacancy therein, such community shall have a preferential claim for consideration when any subsequent appointment is to be made to the Service until a suitable and qualified candidate belonging to that community has been appointed against that claim.

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(5) If, when an appointment to the Service is to be made, there are two or more communities having a preferential claim under sub-rule (3) or sub-rule (4), that community shall receive first consideration whose preferential claim first arose.

6. *Qualifications.*—(1) No person shall be eligible for appointment to the Service unless he—

(i) is either a British subject as defined in section 1 of the British Nationality and Status of Aliens Act, 1914, or a subject of a State in India who has resided in the Province of Madras, for a period of not less than ten years immediately preceding the date of his application;

(ii) possesses the qualifications specified in Annexure I;

(iii) when recruited direct has not attained the age of 30;

(iv) is of sound health, good physique and active habits, and free from any bodily defect or infirmity unfitting him for the Service; and

(v) satisfies the Government that his character and antecedents are such as to qualify him for the Service.

(2) Notwithstanding anything contained in clause (ii) of sub-rule (1) the Government may by order direct that persons possessing merely Mechanical Engineering qualifications shall not be eligible for appointment to the Service or restrict the number of such persons to be appointed to the Service.

7. *Probation.*—(1) No person shall be eligible for appointment as a full member of the Service until he has been on probation in the Service for a total period of two years on duty within a continuous period of three years.

(2) Within the period of probation, a probationer shall, unless he has already passed the test, pass the third-class test in any two of the following languages, namely, Tamil, Telugu, Malayalam, Kannada and Hindustani. A person whose mother tongue is one of the above languages or who has taken one of the above languages for his University degree, shall be required to pass the test only in one other of the above languages and a person whose mother tongue is one of the above languages and who has taken another of the above languages for his University degree or who has taken two of the above languages for his University degree shall not be required to pass any language test.

Explanation.—The exemption provided in this sub-rule from passing the test in a language which is a person's mother tongue is subject to the condition that he satisfies the appointing authority that he can read and write in that language.

(3) At any time before the expiry of the period of probation, the Government may, at their discretion, by order, terminate the probation of a probationer and discharge him from the Service.

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(4) (i) If within the prescribed period of probation or, where the probation has been extended under clause (ii), within the period for which the probation has been extended, the probationer fails to pass the test referred to in sub-rule (2) the Government shall forthwith by order discharge him from the Service.

(ii) If a probationer has appeared within the prescribed period of probation for the test which he has not passed and the results of such test are not known before the expiry of such period he shall continue to be on probation until the publication of the results of such test. In case the probationer fails to pass the test the Government shall forthwith, by order, discharge him from the Service or extend his probation for a period not exceeding one year.

(iii) Any delay in the issue of an order discharging a probationer under clause (i) or clause (ii) shall not entitle him to be deemed to have satisfactorily completed his period of probation.

(5) If, at the end of the prescribed period of probation, the Government consider the probationer to be suitable for full membership of the Service, they shall as soon as possible or in cases falling under clause (ii) of sub-rule (4) where the probation has not been extended as soon as possible after the probationer has passed the test for which he has appeared, issue an order declaring the probationer to have satisfactorily completed his period of probation. On the issue of such order the probationer shall be deemed to have satisfactorily completed his period of probation on the date of the expiry of the prescribed period of probation.

(6) If, at the end of the prescribed period of probation, the Government consider that the probationer is not suitable for full membership of the Service, they shall, by order, discharge him from the Service, or extend his probation for a period not exceeding one year.

(7) In cases not falling under clauses (i) and (ii) of sub-rule (4), if no order is issued by the Government under sub-rule (5) within three months after the expiry of the prescribed period of probation, or, as the case may be, within three months after the expiry of the period for which the probation was extended, the probationer shall be deemed to have satisfactorily completed his period of probation on the date of the expiry of the prescribed period of probation or, as the case may be, on the date of the expiry of the period for which the probation was extended.

(8) In cases falling under clause (ii) of sub-rule (4), if the candidate has passed the test for which he has appeared and no order is issued by the Government under sub-rule (5) within three months after the expiry of the prescribed period of probation or within one month of the publication of the results of the test,

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whichever is later or, as the case may be, within three months after the expiry of the period for which the probation was extended, the probationer shall be deemed to have satisfactorily completed his period of probation on the date of the expiry of the prescribed period of probation or, as the case may be, on the date of the expiry of the period for which the probation was extended.

(9) An order discharging a probationer issued under sub-rule (3) or clause (i) or clause (ii) of sub-rule (4) or sub-rule (6) shall have effect from the date on which the probationer is discharged.

8. *Appointment of full members.*—An approved probationer shall, if a substantive vacancy in the permanent cadre exists, be appointed by the Government to be a full member of the Service at the earliest opportunity and if such vacancy existed from a date previous to the issue of the order of appointment, he may be so appointed with retrospective effect from such date, or, as the case may be, from such subsequent date from which he was continuously on duty as a member of the Service:

Provided that where more than one approved probationer is available for such appointment as full member, the seniormost approved probationer shall be appointed.

9. *Special provision for the appointment of members.*—(1) Notwithstanding anything contained in rules 5, 6, 7 and 8, it shall be open to the Government to appoint as probationers or approved probationers or full members of the Service, direct, persons who are already serving or have served as Local Fund Assistant Engineers in any of the district boards.

(2) In the case of persons admitted as probationers under sub-rule (1) they shall be entitled to count their previous service under the district boards towards their probation in the Service only if and to the extent, permitted by the Government.

10. *Seniority in the Service.*—(1) The seniority of a person appointed to the Service under rule 9 shall be determined by the Government.

(2) (i) The seniority of a person who is appointed to the Service otherwise than under rule 9, shall be determined by the date of his first appointment to the Service:

Provided that, if any portion of the Service of a member does not count towards his probation, his seniority shall be determined by the date of the commencement of his service which counts towards probation.

(ii) Where the date by which seniority is determined under clause (i) is the same in the case of two or more members of the Service, their seniority *inter se* shall be determined by the Government.

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(3) A member of the Service shall, unless he is reduced in seniority as a punishment retain seniority as determined by sub-rules (1) and (2) throughout his service, notwithstanding any delay in the completion of his probation or in his appointment as a full member of the Service.

11. *Pay*.—(1) There shall be paid to a probationer a pay at the minimum rate admissible to a full member of the Service.

(2) There shall be paid to an approved probationer or a full member of the Service a pay calculated in the scale of Rs. 150—20/2—250 Efficiency bar 25/2—350.

(3) A member of the Service shall be eligible to draw increments from the date on which he completes his period of probation satisfactorily and shall also be entitled to count the period of probation for purposes of increment.

(4) The Government shall have power to fix the initial pay of a person appointed to the Service at any suitable stage in the scale of pay specified in sub-rule (2) and if the person appointed has already been drawing a pay more than Rs. 350, to sanction personal pay equal to the difference.

12. *Postings and Transfers*.—Probationers, approved probationers and full members of the Service shall be liable to transfer to any of the district boards. Postings and transfers shall be made by the prescribed authority.

13. *Pay and Allowances*.—The pay, leave allowances, contribution to Provident Fund, pensionary contribution, and when on transfer from one district to another the travelling allowance, of members of the Service (including persons appointed temporarily under rule 4), and the cost of the staff employed to administer the Service (including leave and pensionary contributions) shall be met from a fund called the "Central Fund." The Central Fund shall be constituted out of the amounts recovered from the district boards by adjustment of the maximum annual grants payable to them for the maintenance of important marketing roads and shall be administered by the prescribed authority subject to such provisions as to detailed working as may from time to time be determined by the Government.

14. *Pension and Provident Fund*.—A member of the Service shall not be eligible for pension, but shall subscribe to the Provident Fund maintained by the district board:

Provided that persons who were under any pensionary scheme at the time of their appointment to the Service shall continue to remain under such scheme.

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15. *Leave and Leave Salary.*—(1) The leave and leave salary of the members of the Service shall be regulated

(i) by the Fundamental Rules if at the time of their appointment, being in Government, Municipal or Local Board Service, they were or shall be governed by the Fundamental Rules and had not elected or shall not have elected to be governed by the Madras Leave Rules, 1933; and

(ii) in all other cases by the Madras Leave Rules, 1933.

(2) The prescribed authority may grant leave to the members of the Service under the Fundamental Rules or the Madras Leave Rules, 1933, as the case may be.

16. *Travelling Allowance.*—(i) (a) The travelling allowance of members of the Service for journeys on tour and for transfers within the district shall be paid from the funds of the district board concerned; and

(b) the travelling allowance of members of the Service for transfers from one district to another shall be paid from the Central Fund referred to in rule 13.

(ii) The travelling allowance of members of the Service shall be regulated by the Madras Travelling Allowance Rules.

17. *Discipline and Conduct.*—In matters affecting discipline and conduct, the members of the Service shall be under the control of the prescribed authority. They will work under the orders and immediate supervision of the respective District Board Engineers.

18. *Conditions of Service.*—Except to the extent expressly provided in these rules, the Fundamental Rules issued from time to time under the authority of the Government shall apply to the members of the Service.

ANNEXURE I.

Minimum qualifications for the post of an Assistant Engineer.

[Referred to in rule 6 (1) (ii).]

(a) The Engineering Certificate of the Thomason Civil Engineering College, Roorke; or

(b) a pass in Parts A and B of the Associate Membership examination of the Institution of Engineers (India); or

(c) one of the Engineering degrees of Indian Universities mentioned in Schedule I; or

(d) an Engineering degree of one of the Universities mentioned in Schedule II under the conditions mentioned in that schedule; or

(e) a pass in sections A and B of the Associate Membership examination of the Institution of Civil Engineers; or

(f) a pass in the Associate Membership examination of the City and Guilds Institute (Imperial College of Science and Technology, South Kensington) in Engineering; or

(g) a pass in the Associate Membership examination of the Institution of Mechanical Engineers; or

(h) a pass in the Associate examination of the Bengal Engineering College in Mechanical Engineering; or

(i) the Civil or Mechanical Engineering Certificate of the College of Engineering, Guindy, obtained in or before 1938.

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SCHEDULE I.

B.E. of the Bombay University.

B.E. of the Calcutta University (College of Engineering, Sibpur).

B.E. of the Madras University.

B.Sc. (Engineering) of the Benares Hindu University.

B.E. of the Mysore University.

SCHEDULE II.

Oxford.—B.A. with Honours in the Engineering Science Final Honours School.

Cambridge.—B.A. with Honours in Mechanical Science Tripos or ordinary degree (B.A.) in Engineering, provided the graduate has passed in the principal subjects, Engineering I, Engineering II and Engineering III.

St. Andrews.—B.Sc. in Engineering (Honours or Ordinary degree).

Glasgow.—B.Sc. in Civil or Mechanical Engineering (Honours or Ordinary degree).

Edinburgh.—B.Sc. in Engineering (Honours or Ordinary degree).

Dublin.—B.A. I (Ordinary or with Honours in Engineering).

Durham.—B.Sc. in Civil or Mechanical Engineering (Honours or Ordinary degree).

London.—B.Sc. (Internal degree) in Engineering, Ordinary or with Honours [not including the B.Sc. in Engineering (Mining) or the B.Sc. in Engineering (Metallurgy)]. The external degree is also accepted to the same extent, provided it is recognized by the Institution of Civil Engineers as exempting from sections A and B of the A.M.I.C.E. examination.

Victoria University, Manchester.—B.Sc. in Engineering (Honours degree or Ordinary degree) obtained in and after 1920. B.Sc. Technical in Mechanical Engineering (Higher course degree or Ordinary course degree with a first division pass in the Final Examination).

Birmingham.—B.Sc. in Civil or Mechanical Engineering (Honours or Ordinary degree).

Liverpool.—B. Engineering in Civil or Mechanical Engineering (Honours or Ordinary degree).

Leeds.—B.Sc. in Civil or Mechanical Engineering (Honours or Ordinary degree).

Sheffield.—B. Engineering in Civil or Mechanical Engineering (Honours degree or Ordinary degree with a first class in the Final Examination). A first class in the Final Examination will not be required in the cases of degrees obtained in or after June 1930.

Bristol.—B.Sc. in Civil or Mechanical Engineering (Honours or Ordinary degree).

University of Wales.—B.Sc. in Civil or Mechanical Engineering.

National University of Ireland.—B.E.

Queen's University, Belfast.—B.Sc. in Engineering.

Aberdeen.—B.Sc. in Engineering (Honours or Ordinary degree).

NOTE.—The above degrees will be accepted only if taken after three years' study and the passing of the regular examinations in the several Universities. The conditions as to three years' study will not, however, apply to Indians, who having taken an Indian degree, which exempts them from part of the University course, shall have taken one of the above degrees in less than three years in accordance with the regulations of the University concerned.

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ANNEXURE II.

Scheduled Classes.

[Referred to in clause (11) of rule 1.]

Race, tribe or caste.

1 Adi-Andhra.	44 Kudumban.
2 Adi-Dravida.	45 Kuravan.
3 Adi-Karnataka.	46 Kurichchan (also * P.T.).
4 Ajila.	47 Kuraman (also * P.T.).
5 Aranadan (also * P.T.).	48 Madari.
6 Arunthuthiyar.	49 Madiga.
7 Baira.	50 Malla.
8 Bakuda.	51 Mala.
9 Bandi.	52 Mala Dasu.
10 Barihi.	53 Malasar (also * P.T.).
11 Battada.	54 Matangi.
12 Bavuri.	55 Mavilan (also * P.T.).
13 Bellara.	56 Moger.
14 Byagari.	57 Muchi.
15 Chachati.	58 Mundala.
16 Chakkiliyan.	59 Nalakayava.
17 Chalavadi.	60 Nayadi.
18 Chamar.	61 Pagadai.
19 Chandala.	62 Paldi.
20 Charuman.	63 Palinda.
21 Daadesi.	64 Paky.
22 Devendrakulathan.	65 Pallan.
23 Dombo (also * P.T.).	66 Pambada.
24 Ghasi.	67 Pamidi.
25 Godagali.	68 Panchama.
26 Golar.	69 Paniyan.
27 Godda.	70 Panniyandi.
28 Gosangi.	71 Pano (also * P.T.).
29 Haddi.	72 Paralyan.
30 Hasla.	73 Paravan.
31 Holeya.	74 Pulayan.
32 Jaggali.	75 Puthirai Vannan.
33 Jambuvulu.	76 Raneyar.
34 Kadan (also * P.T.).	77 Relli.
35 Kalladi.	78 Samagara.
36 Kanakkan.	79 Samban.
37 Karimpalan (also * P.T.).	80 Sapari.
38 Kattunayakan (also * P.T.).	81 Semman.
39 Kodalo.	82 Thoti.
40 Koosa.	83 Tiruvalluvar.
41 Koraga.	84 Valluvan.
42 Kudiya (also * P.T.).	85 Valmiki.
43 Kudubi (also * P.T.).	86 Vettuvan.

* P.T. = Primitive Tribe.



AS